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COMMITTEE MEETING
STATE OF CALIFORNIA
INTEGRATED WASTE MANAGEMENT BOARD
PERMITTING AND COMPLIANCE COMMITTEE

JOE SERNA, JR., CAL/EPA BUILDING
1001 I STREET
2ND FLOOR
COASTAL HEARING ROOM
SACRAMENTO, CALIFORNIA

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CERTIFIED SHORTHAND REPORTER
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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

COMMITTEE MEMBERS

Ms. Rosalie Mulé, Chair

Mr. Jeffrey Danzinger

BOARD MEMBER ALSO PRESENT

Mr. Wesley Chesbro

STAFF

Mr. Mark Leary, Executive Director

Ms. Julie Nauman, Chief Deputy Director

Mr. Elliot Block, Chief Counsel

Ms. Holly Armstrong, Staff Counsel

Mr. John Bell, Staff

Ms. Bridgette Brown, Staff

Ms. Amalia Fernandez, Staff

Ms. Betty Fernandez, Staff

Mr. Jim Lee, Deputy Director, Special Waste Division

Mr. Howard Levenson, Program Director, Waste Prevention & Market Development

Ms. Cara Morgan, Branch Manager, Office of Local Assistance

Mr. Kyle Pogue, Supervisor, Office of Local Assistance

Ms. Yasmin Satter, Staff

Ms. Geri Stryker, Supervisor, Permitting & Enforcement Division

Ms. Georgianne Turner, Supervisor, Enforcement & Permitting Section (North)

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APPEARANCES CONTINUED

STAFF

Ms. Lorraine Van Kekerix, Acting Deputy Director,
Diversion, Planning & Local Assistance Division

Mr. Scott Walker, Branch Manager

ALSO PRESENT

Mr. James Goodloe, LEA, Mono County

Mr. Steve Harriman, R3 Consulting Group

Mr. Evan Nikirk, Mono County Public Works

Mr. Ray Paiz, Riverside County Fire Department

Mr. Clancy Tenley, EPA Region 9, Associate Director,
Tribal Programs

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1 PROCEEDINGS

2 CHAIRPERSON MULÉ: Good morning, everyone.

3 Welcome to the April 9th meeting of the Permitting and
4 Compliance Committee. I hope everyone had a good weekend.

5 We have agendas on the back table. And also we
6 have speaker slips if you do wish to address the Board.
7 Do fill them out, bring them up to Donnell, and she'll
8 bring them to us. And then you'll have your opportunity
9 to address the Committee.

10 Also I'd like to ask everybody to please either
11 turn off or put in the silent mode your cell phones and
12 pagers.

13 With that, would you call the roll, Donnell?

14 EXECUTIVE ASSISTANT DUCLO: Member Danzinger?

15 COMMITTEE MEMBER DANZINGER: Here.

16 EXECUTIVE ASSISTANT DUCLO: Chair Mulé?

17 CHAIRPERSON MULÉ: Here.

18 And do we have any ex partes?

19 COMMITTEE MEMBER DANZINGER: No. Up to date.

20 CHAIRPERSON MULÉ: I just have one. I just spoke
21 to George Larson regarding Item 5.

22 And before we get to our Deputy Director's
23 report, Julie, I'd like for you to share some good news
24 with everyone. We have some additions and changes to our
25 staffing.

1 CHIEF DEPUTY DIRECTOR NAUMAN: Yes, we do. Good
2 morning, Madam Chair and Board members.

3 It's with great pleasure I share some news with
4 you this morning. As you know, we are going through a
5 reorganization in the Waste Board. And one of the major
6 elements of that reorganization is that we are moving to
7 two program areas. And as part of moving to those two
8 program areas, we have appointed two new CEAs to head
9 those program areas.

10 The first program area is the Sustainability and
11 Market Development Program. And I'm very pleased to
12 announce that Howard Levenson has been chosen to be the
13 Program Director for Sustainability and Market
14 Development.

15 The other program area is Waste Compliance and
16 Mitigation, and it gives me great pleasure to announce and
17 welcome Ted Rauh to our organization. Ted is a long-time
18 state civil servant and has helped a number of high-level
19 CEA positions in other organizations.

20 And we believe both of these gentlemen are
21 extremely well qualified to lead our program. So we are
22 officially into Phase I of the implementation of our
23 reorganization. And so this morning we have both Ted and
24 Howard here as we begin the transition to the new program
25 responsibilities.

1 So I hope you all welcome them and give them your
2 support. Thank you.

3 CHAIRPERSON MULÉ: Thank you, Julie.

4 And I do want to welcome you, Ted, to the
5 organization. Great background. And we really look
6 forward to having you on our team. And I look forward
7 personally to working with you.

8 And, Howard, as you know, I'm going to miss you
9 in Permitting and Compliance. But your talents and
10 experience are much needed and welcomed over at the
11 Sustainability and Market Development. So good luck to
12 both of you and congratulations.

13 BOARD MEMBER CHESBRO: Madam Chair, may I add
14 I've known both of these gentlemen I'm not sure how long,
15 but at least 15 years in various capacities and have great
16 respect for both of them. And I think we should
17 congratulate our Executive Director on an excellent
18 choice. Welcome.

19 CHAIRPERSON MULÉ: Thank you.

20 Okay. With that, let's go to our Deputy
21 Director's report. We're going to go to Lorraine Van
22 Kekerix. Good morning.

23 DEPUTY DIRECTOR VAN KEKERIX: Good morning.

24 I was asked to do the Deputy Director report in
25 the first part of the transition for the DPLA area.

1 I wanted to tell you about the 2003-2004 biennial
2 review status. As of the March Board meeting, the Board
3 has approved biennial review findings for 297
4 jurisdictions. Of those, 260 jurisdictions were found to
5 have met the diversion goal; 34 jurisdictions were found
6 to be in compliance by demonstrating a good faith effort
7 to meet the diversion goal; and three jurisdictions were
8 issued compliance orders for failure to comply with the
9 diversion mandate.

10 Three 2003-2004 biennial reviews for
11 jurisdictions that have met the diversion requirements and
12 implemented diversion programs were presented to the
13 Executive Director as delegated actions this month.

14 One 2003-2004 biennial review is being presented
15 to the Board this month. And over the next few months,
16 Office of Local Assistance staff will bring the biennial
17 review findings for the remaining five jurisdictions
18 before the Board for consideration. 119 jurisdictions
19 were not subject to a biennial review as they were either
20 granted a time extension that lasted through 2005 or they
21 were under a compliance order.

22 At the same time that we are wrapping up the
23 2003-2004 biennial reviews, we have the 2005 jurisdiction
24 annual reports that have been submitted. 364 of the 421
25 jurisdictions submitted their 2005 annual reports by the

1 March 15th due date. To date, the Board has received more
2 than 406 annual report submittals with only 15
3 jurisdictions that have not yet submitted their annual
4 reports. And staff is working with those remaining 15 to
5 get their annual reports turned in.

6 We also have State agency annual reports due.
7 The State Agency Integrated Waste Management Plan annual
8 reports for 2006 program year were due to the Board by
9 April 1st, 2007. They're on a different cycle because
10 they use a different measurement method. As of April 4th,
11 2007, 299 reports have been submitted, 61 State agencies
12 and facilities are in the process of finalizing their
13 reports, and 45 agencies and facilities have not yet
14 accessed our electronic reporting system.

15 The State Organization Facility Assistance
16 Section is working with the 106 State agencies and
17 facilities that have not yet submitted their reports to
18 answer questions and provide technical assistance in
19 fulfilling the report requirements.

20 We also have another report due, and that is the
21 disposal report. Fourth quarter 2006 Disposal Reporting
22 System reports are due from counties and regional agencies
23 on April 15th. We are continuing to review the 2006
24 report submittals closely, since this 2006 is the first
25 year that the new regulations are in effect. And we are

1 contacting the counties and regional agencies that have
2 not incorporated all of the new data element requirements
3 of the revised reporting system regulations that went into
4 effect on January 1st, 2006.

5 About 20 percent of the counties have not
6 submitted allocation reports that were due for the first
7 two quarters of 2006, and almost half have not submitted
8 the new facilities summary requirements.

9 Staff is working with the counties to try to get
10 these reports submitted, because they will be critical in
11 calculating the diversion rates for 2006.

12 And the last activity that I have to report on is
13 the disposal reporting system survey week site visits.
14 Staff visited 60 facilities with trucks full of waste
15 during the March survey week. During the March site
16 surveys, staff went out because that is the week that
17 people who are in small trucks are required to be asked
18 where the waste is from. So 47 out of the 60 facilities
19 asked correctly for the origin of waste. Another eight
20 facilities did ask origin questions, but didn't do so
21 correctly. For example, the most common was the gate
22 attendant asked the driver where they were from, not where
23 the waste was from. And five facilities did not ask any
24 origin questions. However, one of these was a transfer
25 station in a remote unincorporated county location, and

1 they typically assign all waste to themselves.

2 The random presence of Board staff conducting
3 these site surveys provides an important reminder to
4 facilities to continue to ask and correctly track waste
5 origin information on loads during survey weeks. And we
6 are following up with each of the facilities where the
7 questions weren't asked to make sure that they know how to
8 ask the question correctly.

9 CHAIRPERSON MULÉ: Lorraine, will they be getting
10 training? I know training is a part of implementing the
11 new Disposal Reporting System. So are we or is someone
12 going to go back and train those folks on how to properly
13 obtain the jurisdiction of origin information?

14 DEPUTY DIRECTOR VAN KEKERIX: At this point in
15 time, we will probably be doing phone followups. This was
16 not a change from the previous regulations. So when we go
17 out to do overall training, we will be hitting that topic.
18 But this is a requirement that has been in place since
19 1995. And we will be working with the managers of each of
20 these facilities to make sure that they understand.

21 CHAIRPERSON MULÉ: Right. Again, it has been in
22 place for now twelve years. And we're still seeing some
23 misstates being made. So again, that's why I'm just
24 emphasizing the fact that follow-up training would be
25 important.

1 DEPUTY DIRECTOR VAN KEKERIX: Yes.

2 CHAIRPERSON MULÉ: Thank you.

3 DEPUTY DIRECTOR VAN KEKERIX: And we will be
4 doing that.

5 CHAIRPERSON MULÉ: Thank you.

6 DEPUTY DIRECTOR VAN KEKERIX: And that concludes
7 my report.

8 CHAIRPERSON MULÉ: Great. Any questions?

9 Let's move to Committee Item B.

10 DEPUTY DIRECTOR VAN KEKERIX: Committee Item B is
11 Consideration of the Adequacy of the Source Reduction and
12 Recycling Element, Household Hazardous Waste Element, and
13 Nondisposal Facility Element for the Newly Incorporated
14 City of Rancho Cordova, Sacramento County.

15 And Yasmin Satter will be making the staff
16 presentation.

17 MS. SATTER: Good morning, Committee members.

18 The City of Rancho Cordova incorporated on July
19 1st, 2003. The City submitted its Source Reduction and
20 Recycling Element, SREE, Household Hazardous Waste
21 Element, HHWE, and Nondisposal Facility Element, NDFE, and
22 established its base year as 2004.

23 As part of the SRRE, HHWE, and NDFE review, the
24 City submitted a waste characterization study for its 2004
25 base year. Board staff conducted site visits to verify

1 diversion data. As a result, reductions and additions
2 were made to the diversion amounts for the city.

3 The site visit verification results can be viewed
4 in detail by referring to Attachment 3 of the agenda item
5 packet. The City's submittal of its SRRE, HHWE, and NDFE
6 is documented and is consistent with Board's standards for
7 accuracy.

8 Therefore, staff recommends the Board approve the
9 City's planning documents with staff's suggested
10 modifications.

11 This concludes my presentation. Representatives
12 from the city are present to answer any questions. Thank
13 you.

14 CHAIRPERSON MULÉ: Thank you very much.

15 Do we have any questions?

16 COMMITTEE MEMBER DANZINGER: Yes. Just a couple
17 curiosity questions. And it could be the applicant more
18 appropriately to answer any of these.

19 On 1-3, it indicates that the commercial haulers
20 are required to divert 30 percent of the material
21 collected from the commercial sector. Just curious how
22 much are they collecting? Is it more than 30 percent
23 right now just in terms of how much they're -- because I
24 notice that the commercial is such a huge component of the
25 waste stream. So I was curious how much.

1 Is this working?

2 COMMITTEE MEMBER DANZINGER: I can hear you.

3 MR. HARRIMAN: Good morning, Madam Chair. For
4 the record, I'm Steve Harriman. I'm a principle with the
5 R3 Consulting Group. I'm here today with Kathie Garcia
6 who's a Senior Engineer with the city.

7 The reference to the 30 percent is actually
8 somewhat outdated at this time. Shortly after
9 incorporation, the City adopted an ordinance which
10 required the commercial haulers operating in the city to
11 divert 30 percent of all the material that they collect.
12 That was modeled after the solid waste authority ordinance
13 which the City of Rancho Cordova was part of the SWA
14 region prior to incorporation. The SWA has now basically
15 abandoned that methodology, and they're looking towards a
16 generator-based recycling requirement. The City I think
17 sees value in being consistent with the region, and so we
18 are also working on the implementation of similar
19 generator-based requirements.

20 So in effect then, the commercial haulers that
21 operate under a non-exclusive system would not have
22 diversion requirements placed on them. Rather, the
23 businesses have a requirement to have a recycling program,
24 education, bins, that kind of thing.

25 BOARD MEMBER CHESBRO: May I ask. Is that by

1 ordinance?

2 MR. HARRISON: Yes. And so the SWA has adopted
3 the ordinance, which is the business recycling ordinance.
4 The City has not yet, but we will do so soon.

5 BOARD MEMBER CHESBRO: Was that specified in the
6 SRRE?

7 MR. HARRISON: Actually, it's not. This is sort
8 of new information since the SRRE was submitted. We'd be
9 happy to submit something to reflect that.

10 COMMITTEE MEMBER DANZINGER: I think I would just
11 be curious on it myself how it works so it can be off
12 line.

13 My next question sort of related to that as well
14 as in terms of the modeling. You mentioned the food waste
15 that includes data from the grocery store food waste
16 composting programs. What are they doing in that area,
17 and how well is it working?

18 MR. HARRISON: During when we're conducting the
19 base year, we did identify some grocery stores that are
20 doing backhaul for food waste. I would say it's not
21 terribly widespread.

22 COMMITTEE MEMBER DANZINGER: Right. No, I mean,
23 it's not in most places. I was curious whether you see
24 any growth in that area. And if so, are you modeling that
25 on any other jurisdictions that are maybe doing more of

1 that?

2 MR. HARRISON: You know, I mean, to be perfectly
3 honest with you, we've been working in this area for a
4 long time. We've been trying to work with grocery stores.
5 And I wish there was more growth in that area.

6 COMMITTEE MEMBER DANZINGER: Are you're getting
7 pushback, is that what you're saying?

8 MR. HARRISON: I think that would be fair to say.

9 COMMITTEE MEMBER DANZINGER: I think so, too.

10 On the next page, it references the C&D recycling
11 ordinance that the City plans to adopt. I was wondering
12 what that's going to look like. Is that going to be a
13 50 percent, or what do you think that's going to be?

14 MR. HARRISON: Yep. Likely, it's going to be
15 modeled after the City of Folsom's ordinance, which was
16 recently adopted. And I don't want to get too deep in the
17 details, because it's complicated. But in effect, anybody
18 applying for a building permit in the city for a project
19 that exceeds a certain threshold, be it a dollar value or
20 square footage of the project, would have a choice either
21 to hire a permitted hauler to haul all of the material
22 from that project and the hauler would agree to divert a
23 specified portion of that material. Or the builder or
24 project applicant can tell the city, "I'm going to do it
25 myself. I will take full responsibility for the diversion

1 requirement," which would be 50 percent.

2 So in effect, a project applicant would have
3 those two choices. If they do select a permitted hauler,
4 they would be required that all of the material from that
5 project site go to that single hauler. Because the
6 haulers have said we can't be held accountable for a
7 diversion requirement if the good stuff goes to somebody
8 else and we're left with the remainder.

9 COMMITTEE MEMBER DANZINGER: Okay.

10 MR. HARRISON: So I think that City of Rancho
11 Cordova's C&D ordinance will be modeled after that.

12 COMMITTEE MEMBER DANZINGER: Okay. On the
13 procurement policy, it indicates here that the City plans
14 to expand its policy for purchasing paper and to buy other
15 products with recycled content. Just curious also there,
16 are you modeling after somebody's else's program? Because
17 it sounds like part of that is an expansion and part of
18 that is delving into new areas. Just are you modeling
19 after other jurisdictions that found, okay, you know,
20 here's how far we can go and still have access to the
21 stuff that we need?

22 MR. HARRISON: Yeah. I would say that we have
23 some research to do in that regard. The City Hall is a
24 LEED certified facility, which part of that certification
25 requires some procurement policies for that type of thing.

1 So I think that we would follow up on the LEED
2 certification and certainly be interested in looking at
3 other ordinances or policies in place that we could expand
4 upon.

5 COMMITTEE MEMBER DANZINGER: Cool. Thanks. All
6 looks good.

7 CHAIRPERSON MULÉ: Thank you, Steve. And thank
8 you, Kathie, for being here.

9 I just want to mention that we have a wealth of
10 information on our website on our EPP, or environmentally
11 preferable purchasing program, on our website. The City
12 of San Diego has either just adopted or they're looking at
13 adopting what they're calling EP3, environmental
14 procurement policy. So you may want to search on our
15 website. I'm sure we have a wealth of information.
16 Yasmin can help you as well.

17 With that --

18 BOARD MEMBER CHESBRO: Madam Chair, I actually
19 have a couple questions, if I may.

20 CHAIRPERSON MULÉ: Please, go right ahead.

21 BOARD MEMBER CHESBRO: First of all, I was struck
22 by knowing as much or as little -- I once lived in Rancho
23 Cordova, so I know a little about it. I was struck by 8
24 percent residential and 92 percent non-residential. What
25 is the explanation behind that? Because I have a hard

1 time imagining that large of a -- I know it's a growing
2 community in terms of businesses. But what's the
3 explanation for that?

4 MR. HARRISON: I would say the largest
5 contributor to that is the inerts that heavily weighs on
6 the non-residential portion of the equation.

7 BOARD MEMBER CHESBRO: Those inerts are from
8 demolition?

9 MR. HARRISON: Construction sites. There's
10 California Concrete Crushing has a drop-off site in Rancho
11 Cordova as well as other sites. As well, there's, you
12 know, other inerts processing facilities in the region.
13 And there's really a staggering amount of material.

14 BOARD MEMBER CHESBRO: But you're not credited
15 with the material that's brought in for recycling. It's
16 not generated --

17 MR. HARRISON: That's correct. No. That's a
18 long story. But there were allocations done for each of
19 the facilities for which we got credit for the inerts. So
20 you're right. A facility located in the city of Rancho
21 Cordova does not receive 100 percent credit to the city of
22 Rancho Cordova, because I mean they're in effect regional
23 facilities.

24 BOARD MEMBER CHESBRO: I mean, the numbers I'm
25 referring to are generation percentages, right. So that

1 wouldn't explain 92 percent non-residential generation. I
2 mean, what you're talking about are diversion activities I
3 think.

4 OFFICE OF LOCAL ASSISTANCE BRANCH MANAGER MORGAN:
5 This is Cara Morgan, Office of Local Assistance.

6 The gen study takes into account the diversion
7 and the disposal for the community. In the case of Rancho
8 Cordova, in addition to the C&D diversion they have going
9 on, which is significant because there's a considerable
10 amount of building going on we're able to quantify for the
11 study, they also have a significant industrial and
12 commercial sector on that -- is it kind of the south side?

13 MR. HARRISON: South Sunrise, south of 50.

14 OFFICE OF LOCAL ASSISTANCE BRANCH MANAGER MORGAN:
15 It's huge. When you get to do the generation study and
16 you're quantifying the diversion activities, that's what's
17 driving their diversion.

18 BOARD MEMBER CHESBRO: I'm not talking about
19 diversion. I know there's lots of diversion. There's
20 lots of diversion.

21 COMMITTEE MEMBER DANZINGER: 92 percent of the
22 generated waste in Rancho Cordova is commercial? Is the
23 answer to that question affirmative?

24 OFFICE OF LOCAL ASSISTANCE BRANCH MANAGER MORGAN:
25 Yes. It is generated. So you can look at both the

1 disposal number and what the allocations are.

2 CHAIRPERSON MULÉ: It seems very high.

3 COMMITTEE MEMBER DANZINGER: I wonder if City of
4 Industry is that high.

5 BOARD MEMBER CHESBRO: I find it striking. And I
6 understand all the diversion stuff, because you also have
7 all those auto dismantlers on Sunrise. I understand
8 there's a lot of commercial recycling that goes on in
9 Rancho Cordova. I'm trying to figure out how the
10 diversion numbers can be so --

11 OFFICE OF LOCAL ASSISTANCE BRANCH MANAGER MORGAN:
12 In addition, when you look at the disposal allocations
13 about 13,000 comes from residential and almost 53,000 is
14 coming from commercial. So in addition to -- you've got a
15 lot coming from the commercial sector, a lot coming from
16 residential. But truly it's the diversion side of the
17 equation in the gen study that's driving that higher rate.

18 BOARD MEMBER CHESBRO: I guess I'm confused about
19 how generation -- I mean how diversion drives the
20 generation number. That doesn't make any sense to me.
21 But maybe I'm missing something. Well, explain it to me
22 later I guess.

23 COMMITTEE MEMBER DANZINGER: And then you can
24 explain it to me.

25 BOARD MEMBER CHESBRO: The other question I have

1 is both out of interest in Rancho Cordova but also generic
2 about how we handle these things, because I'm still coming
3 back into the process here. As I remember in SRREs,
4 basically the jurisdiction goes down a checklist of
5 different activities and indicates which ones they are or
6 will be carrying out in order to achieve the diversion
7 goals; is that right? Is multi-residential on that list?
8 Well, first, I'm talking generically first, and then I'm
9 interested in what Rancho is actually doing. Is it on the
10 list of things the jurisdictions says yes or no?

11 OFFICE OF LOCAL ASSISTANCE BRANCH MANAGER MORGAN:

12 Yes. Absolutely. And we have a number of assistance
13 materials and peer matching that we utilize, particularly
14 when new jurisdictions are incorporated, especially if
15 multi-family is a big part of their residential sector, as
16 Rancho. But I'll let him speak specifically --

17 BOARD MEMBER CHESBRO: The specific question is
18 what are they doing with multi-residential.

19 MR. HARRISON: Historically, the multi-family was
20 part of the commercial structure. So the 30 percent that
21 was required on the haulers -- 30 percent diversion
22 multi-family was part of that. Now that we're going --

23 BOARD MEMBER CHESBRO: That rate relates back to
24 the other question in an interesting way, if I can digress
25 for a moment. Was it considered part of the

1 non-residential because of it's commercial sector?

2 OFFICE OF LOCAL ASSISTANCE BRANCH MANAGER MORGAN:

3 It falls on the non-res sector.

4 MR. HARRISON: Now, however, that we're going to
5 a generator-based requirement, then the multi-family would
6 be part of the generator-based requirement.

7 BOARD MEMBER CHESBRO: So the ordinance that
8 requires businesses to participate would also require
9 multi-residential owners to --

10 MR. HARRISON: Yes. And actually I believe that
11 it would probably be handled under a separate ordinance
12 from the commercial -- the rest of the commercial.

13 BOARD MEMBER CHESBRO: And that's not yet
14 adopted?

15 MR. HARRISON: No.

16 BOARD MEMBER CHESBRO: Like the other item, is
17 that specified in the SRRE that you're going to be doing
18 that?

19 MR. HARRISON: No. Because between the SRRE,
20 when it was written, we were still under the 30 percent
21 system with the commercial haulers. And in the interim,
22 we've been to counsel. We've had workshops. The haulers
23 are actually in a one-year extension to their old
24 agreement while we put this new system in place.

25 BOARD MEMBER CHESBRO: Okay. Thank you.

1 CHAIRPERSON MULÉ: Okay. Any other questions?

2 Again, thank you for being here, Steve, and
3 Kathie.

4 MR. HARRISON: Thank you. I also wanted to thank
5 staff. We got a lot of great help from Kyle and Yasmin
6 and Steve Sorelle. It was really great working with your
7 staff on this project.

8 CHAIRPERSON MULÉ: We think we have a great team.
9 So thank you.

10 With that, do I have a motion?

11 COMMITTEE MEMBER DANZINGER: You sure do.

12 CHAIRPERSON MULÉ: Thank you.

13 COMMITTEE MEMBER DANZINGER: I'd like to move
14 Resolution 2007-84.

15 CHAIRPERSON MULÉ: I will second that.

16 Donnell, would you please call the roll?

17 EXECUTIVE ASSISTANT DUCLO: Member Danzinger?

18 COMMITTEE MEMBER DANZINGER: Aye.

19 EXECUTIVE ASSISTANT DUCLO: Chair Mulé?

20 CHAIRPERSON MULÉ: Aye.

21 We will put that on consent. Thank you for being
22 here.

23 Our next item is Committee Item C.

24 DEPUTY DIRECTOR VAN KEKERIX: Committee Item C is
25 Consideration of the 2003-2004 Biennial Review Findings

1 for the Source Reduction And Recycling Element and
2 Household Hazardous Waste Element for the Following
3 Jurisdiction, Good Faith Effort to Implement Programs,
4 Previously Exceeded 50 Percent Diversion in 2002, Napa
5 City, Napa County.

6 Betty Fernandez will make the presentation.

7 MS. FERNANDEZ: Good morning, Chair and Committee
8 members.

9 The city of Napa is an urban area known for
10 award-winning wines and is located in Napa County near the
11 Bay Area. The city of Napa for the 03-04 biennial review
12 is currently at 50 percent for '03 and 49 percent for '04.
13 It is recommended that these diversion rates coupled with
14 strong diversion program implementation represent a good
15 faith effort for the following reason: The City of Napa
16 is currently implementing 45 diversion-related programs
17 including residential curbside recycling and green waste
18 collection, commercial green waste and recycling
19 collection, construction and demolition debris recycling.
20 In addition, the City has decreased tipping fees that
21 encourage more recycling and diversion through the
22 materials diversion facility.

23 Board staff recognize the City's extensive
24 efforts to accurately track diversion material while also
25 implementing a strong set of diversion programs. So based

1 on all this information, staff recommends the Board finds
2 that the City of Napa has made a good faith effort in
3 meeting the diversion requirements.

4 Representatives from the city were not available
5 at this meeting due to scheduling conflicts. This
6 concludes my presentation.

7 CHAIRPERSON MULÉ: Thank you, Betty. Do we have
8 questions?

9 COMMITTEE MEMBER DANZINGER: What you just
10 mentioned that they've lowered tip fees. But I mean, they
11 haven't lowered tip fees at the landfill. They lowered
12 tip fees at like the MRF and other facilities to get more
13 of the stream to diversion?

14 MS. FERNANDEZ: Right.

15 COMMITTEE MEMBER DANZINGER: I guess --

16 MS. FERNANDEZ: Would you like to know how much
17 they lowered their fees?

18 COMMITTEE MEMBER DANZINGER: Yeah. That would be
19 cool.

20 MS. FERNANDEZ: This is for their C&D concrete,
21 asphalt, and rubble. They actually lowered it from \$56
22 per ton to \$15 per ton. And this became effective October
23 of 2005.

24 COMMITTEE MEMBER DANZINGER: I mean, the other
25 question, you know, their diversion percentage, it's down

1 only a negligible amount. But just the fact that it's
2 trending downward, I'm just curious, do we have any
3 reasons identified for that trend other than, you know,
4 economic and population growth, if those are even factors?
5 But I mean, those are the ready factors that seem to be
6 relevant in a lot of jurisdictions. But were there any
7 other factors that we saw other than economic or
8 population growth that might be sort of driving this
9 trickle downward on the diversion?

10 OFFICE OF LOCAL ASSISTANCE SUPERVISOR POGUE:

11 Kyle Pogue here from the Office of Local Assistance.

12 And we've had extensive discussions with City of
13 Napa, Kevin Miller there, on what's been happening in that
14 community. They recently -- Betty, you're going to have
15 to jump in here. They renegotiated a ten-year contract.
16 So they've gone through some significant changes with some
17 of their program implementation. And they've been able to
18 firm up through this contract some of those programs and
19 specifically at their materials diversion facility with
20 the C&D ordinance, with increased C&D diversion
21 opportunities, things like that. They've done a lot.

22 They do an annual generation-based calculation
23 where they quantify it all every year and submit that to
24 us. They're now moving away from that and heading towards
25 doing a base year and moving away from the annual

1 accounting for it. And part of that reason that the
2 diversion rate has gone down a little bit in 2004 is they
3 were unable through our rules of accounting for diversion
4 to count some material that historically they could in the
5 past, based on the fact that during that time frame they
6 weren't able to process the material. There was a
7 transition. And I think that accounts for a lot of kind
8 of that dip in diversion. One thing that has always been
9 consistent with Napa is that they have strong diversion
10 programs. They're dedicated to diverting material and
11 always looking to expand what they're currently doing.

12 COMMITTEE MEMBER DANZINGER: Have they indicated
13 to you where they see the most potential for growth in
14 their diversion? They're already doing great. But I
15 mean, what are they looking at right now in terms of are
16 there one or two things they're really going to put a
17 focus on to grow even further on diversion?

18 MS. FERNANDEZ: Betty Fernandez.

19 I just wanted to add that they currently have a
20 new contract that was implemented in October of '05.
21 They're going with a new contractor. Because their
22 material diversion facility is located -- it has an
23 address that's not within the city of Napa. It's actually
24 city of American Canyon. So some of the material was not
25 accurately counted for the city. Now with the new

1 contractor, they've been more careful about their records.

2 They're making a really good effort.

3 They also have a vested interest in that
4 facility, because they're co-owners with that facility for
5 that facility.

6 I think the major programs that there is emphasis
7 on, they talk about their C&D program, which of course has
8 the most tonnage. So I have to say the emphasis would be
9 there.

10 COMMITTEE MEMBER DANZINGER: Okay. Thank you.

11 BOARD MEMBER CHESBRO: Along the same lines with
12 regards to the drop -- and it doesn't seem like there's a
13 one-year drop. There's a little trend. It was at one
14 time 57. And then '03, it was 50 and then '04, 49. Are
15 jurisdictions -- this is a generic question not
16 specifically to Napa. But are jurisdictions required in
17 the biennial review to provide any analysis of what the
18 explanations are for declining diversion numbers?

19 OFFICE OF LOCAL ASSISTANCE BRANCH MANAGER MORGAN:
20 Yeah, Board Member Chesbro, they do. In their annual
21 report they provide an explanation, particularly if it's a
22 consistent drop and even if they've seen a spike. They do
23 provide us information. But primarily with staff when
24 they conduct the site visit verification during each
25 biennial review cycle, that's part of the data the staff

1 are going after to look into to see what the explanation
2 is, to see if it's program implementation, if it's
3 disposal allocation to really get at what their particular
4 issue is.

5 BOARD MEMBER CHESBRO: As Board Member Danzinger
6 said, there can be a lot of good reasons that are out of a
7 jurisdiction's control. The point of the question is that
8 a jurisdiction is not performing. But I just didn't see
9 any analysis of that in the item. And I think it would be
10 useful if there is a downward trend and the jurisdiction
11 has provided some analysis for that to be communicated I
12 think in order to get the picture of what's happening.
13 And it may just be -- I don't want to say bureaucratic --
14 accounting -- accounting problems or, you know, there
15 maybe some reasons that have nothing to do with what's
16 actually happening on the ground. But nonetheless, it
17 would be nice to have some idea what those are.

18 Can I ask the same question about
19 multi-residential, is that part of the mix here at all?

20 MS. FERNANDEZ: Absolutely. Currently, they've
21 gone single stream.

22 BOARD MEMBER CHESBRO: Maybe it was here and I
23 missed it.

24 OFFICE OF LOCAL ASSISTANCE SUPERVISOR POGUE:
25 Kyle Pogue again.

1 They do offer a multi-family recycling program.
2 It's consistent with their residential commingled program.
3 And quite honestly, I was flipping through my notes back
4 there as you were asking the question before, and I need
5 to go back and refresh exactly what the program is. But
6 it does indicate in the notes they are in fact --

7 BOARD MEMBER CHESBRO: So in this case, the
8 numbers are part of the residential. And Rancho, it's
9 part of the commercial. And in this case, it's part of
10 the residential. Is that what you're saying?

11 OFFICE OF LOCAL ASSISTANCE SUPERVISOR POGUE: In
12 their generation study, that would be included in their
13 non-residential portion of the factor. And they are doing
14 non-residential recycling, and presumably that includes
15 the multi-family tonnage.

16 BOARD MEMBER CHESBRO: One last question. And
17 that is I'm assuming -- I'm guessing, but it doesn't
18 specify that the biomass credit is wood waste that's going
19 to --

20 OFFICE OF LOCAL ASSISTANCE SUPERVISOR POGUE:
21 Yes, it is.

22 BOARD MEMBER CHESBRO: Thanks.

23 CHAIRPERSON MULÉ: Thank you. Good questions.
24 Traditionally, multi-family has been categorized as a
25 commercial service by the haulers and by the cities. So

1 it is confusing. And that's why I'm glad you're asking
2 these questions. It's confusing for those of us up here
3 to take a look at these numbers and not understand that
4 multi-family is in fact commercial as opposed to
5 residential.

6 BOARD MEMBER CHESBRO: The reason I'm asking the
7 questions, I think it's probably self-evident. But let me
8 just say that both -- because it's an area that has not
9 uniformly around the state been as completely developed as
10 single-family residential and some other diversion
11 programs. And since it I think is viewed as one of the
12 areas that can help us get beyond 50 percent in the case
13 of jurisdictions, maybe give them the buffer. So if they
14 do have a factor that causes them to slip in their
15 numbers, if you're at 60, then you slip to 55. Instead of
16 if you're at 55 you slip to 50. I know a lot of
17 jurisdictions are looking to find ways to build programs
18 that can help them get significantly above 50 percent so
19 they're not at risk of dropping below 50. So those are
20 some of the thoughts about why it's important.

21 CHAIRPERSON MULÉ: That's why I'm saying they're
22 good questions. And we need to ask these kind of
23 questions of staff to know what exactly is being generated
24 in that jurisdiction and then what types of programs would
25 help them go beyond 50 percent. Thank you. Good

1 discussion.

2 Any other questions?

3 With that, do I have a motion?

4 COMMITTEE MEMBER DANZINGER: Move Resolution
5 2007-85.

6 CHAIRPERSON MULÉ: Second.

7 And we'll substitute the previous roll and put
8 that one on consent as well. Thank you, all.

9 I do want to mention that following the Committee
10 meeting there will be a public hearing for the temporary
11 waiver regulations. We're not exactly sure what time that
12 will be. It depends on what time this meeting adjourns.
13 So I did want to make that announcement.

14 Okay. Our next item is Committee Item D. And we
15 have Jim Lee to give us a Deputy Director's report. Good
16 morning.

17 DEPUTY DIRECTOR LEE: Good morning, Madam Chair.
18 And good morning, Committee members. My name is Jim Lee,
19 I'm with the Board's Waste Tire Management Program.

20 Committee Item D, Board Item 3, is Consideration
21 of the Grant Awards for the Waste Tire Enforcement Grant
22 Program. The Waste Tire Enforcement Program is one of the
23 integral components of the Board's Five-Year Tire Plan.
24 It's essential to ensuring that tires are not illegally
25 disposed and to encourage proper recycling of these

1 materials. Statute strongly encourages the use of local
2 jurisdictions to assist the Board with the enforcement
3 mandates. The statute speaks to again if the Board does
4 elect to have the locals perform the program that adequate
5 funding be provided for that particular purpose.

6 And to that end, the item you have before you
7 today is the proposed awards to a number of jurisdictions
8 throughout the state to assist the Boards with the
9 enforcement work and the program. We're very pleased to
10 report that if the Board approves today's item that we
11 will be very close to achieving the 80 percent coverage of
12 tire facilities in the state being adequately supervised
13 by a local jurisdiction in the Waste Tire Enforcement
14 Program.

15 So with that overview, I'd like to turn it over
16 to Georgianne Turner to make the remainder of the staff
17 presentation.

18 (Thereupon an overhead presentation was
19 presented as follows.)

20 SUPERVISOR TURNER: Good morning, members of the
21 Committee. It's nice to be here. Haven't been here for a
22 while.

23 --o0o--

24 SUPERVISOR TURNER: Actually, Amalia and I will
25 both be presenting today. Jim bragged for us, so we don't

1 have to brag too much for ourselves here.

2 --o0o--

3 SUPERVISOR TURNER: But, again, this grant
4 program is an instrumental part of the enforcement
5 element, and we allocate a big chunk of money for this
6 every year. And it's well used.

7 --o0o--

8 SUPERVISOR TURNER: The grant makes it possible
9 for us to accomplish four of the major objectives in the
10 enforcement element, as you're probably aware of, for
11 assuring compliance, surveillance, and routine
12 inspections.

13 --o0o--

14 SUPERVISOR TURNER: And also expanding our
15 coverage throughout the state.

16 The grant allows for us to reimburse
17 jurisdictions for personnel hours associated with
18 inspections, surveillance, any kind of investigations or
19 complaints that we receive, we can refer them to that
20 jurisdiction. And they take care of the initial
21 enforcement process for us. And we also help them with
22 equipment and provide them with educational materials so
23 they can educate the community.

24 --o0o--

25 SUPERVISOR TURNER: This slide I just wanted to

1 show to represent our expansion of the program. We're
2 holding pretty consistent at 79 percent coverage
3 throughout the state. Our Five-Year Plan goal was 80
4 percent. So we're very close. We're losing a couple
5 jurisdictions and gaining a couple jurisdictions.

6 --o0o--

7 SUPERVISOR TURNER: And now I'd like to turn it
8 over to Amalia.

9 CHAIRPERSON MULÉ: Good morning.

10 MS. FERNANDEZ: Good morning. This agenda item
11 presents staff's recommendation to award grants for the
12 fiscal year 2006-2007 Waste Tire Enforcement Grant
13 Program.

14 --o0o--

15 MS. FERNANDEZ: Staff is recommending funding
16 grant application based on their criteria and evaluation
17 process approved by the Board in November 2005, which
18 provides for consistent inspection coverage throughout the
19 state, established cap for expenses and charges, defined
20 procedures for allocating available funding when the
21 program is oversubscribed while maintaining a stable
22 source of funding, and provides ongoing program
23 evaluation.

24 In October of 2006, staff distributed the Notice
25 of Funds Available, otherwise known as a NOFA, to

1 approximately 600 interested parties. Applications were
2 received and evaluated using the Board-approved criteria.
3 After the close of the application period, staff evaluated
4 the applications received and determined level of
5 completeness. The Board received 39 applications --

6 --o0o--

7 MS. FERNANDEZ: -- totaling \$5,911,112. Staff
8 recommends funding all 39 applications for a total of
9 \$5,702,800.

10 With the approval of this item, the program will
11 have two new grantees, Riverside and the City of San Jose.

12 The following jurisdictions from last year are
13 not participating: Tulare and the County of San
14 Bernardino. Tulare is not coming back because they felt
15 they can cover all of the cost involved in running the
16 program or administering the program. And San
17 Bernardino's decision was the majority of their tire
18 programs have been fixed through this program.

19 In conclusion, staff is recommending approval of
20 the proposed awards and adoption of Resolution Number
21 2007-82. This concludes staff's presentation.

22 CHAIRPERSON MULÉ: Thank you, Amalia.

23 Any questions?

24 Board Member Chesbro.

25 BOARD MEMBER CHESBRO: Again, I apologize because

1 I'm still coming back into all of this and trying to
2 understand it. It was described in here in the item as
3 non-competitive, but all jurisdictions were allowed to
4 apply, all cities and counties; correct?

5 SUPERVISOR TURNER: That's correct.

6 BOARD MEMBER CHESBRO: But not all received. So
7 it's not just a simple distribution of the funds to
8 everybody who's eligible. There is some sort of an --
9 sounds like competitive, but you're not calling it that.
10 This is some sort of a criteria and procedure for
11 separating those who are eligible and those who weren't.

12 SUPERVISOR TURNER: There's an eligibility
13 criteria. So you have to be eligible to be able to get
14 the grant. But we aren't competitive. So if you meet the
15 eligibility requirements, what we do is we adjust budgets
16 so that we can --

17 BOARD MEMBER CHESBRO: We spend more if there's
18 more eligible projects?

19 SUPERVISOR TURNER: Correct. And there's a
20 methodology for adjusting budgets. If for some reason
21 we're over the \$6 million. We can adjust all the budgets
22 according to the work they've been doing as well as the
23 size of their jurisdiction to make sure they're all
24 funded. Because the idea is to get more grantees into the
25 process. But we haven't had to do that process yet.

1 CHAIRPERSON MULÉ: But I think what you're saying
2 is if it's oversubscribed, then what do we do?

3 BOARD MEMBER CHESBRO: We are not in that
4 position now.

5 SUPERVISOR TURNER: That's what I was saying. If
6 we do get oversubscribed, there's a methodology for us to
7 evaluate each of the budgets. What we do is we go back to
8 see what they spent last year as well as look at the size
9 of their jurisdiction to modify their budgets.

10 CHAIRPERSON MULÉ: You're modifying their budget,
11 but we can't increase our funding level. That's what
12 we're going through in the Five-Year Tire Plan.

13 COMMITTEE MEMBER DANZINGER: Does that also
14 describe how we get different amounts awarded like when
15 we're undersubscribed? I mean, we're under the six
16 million here, but I notice they requested a certain
17 amount. And we're awarding the staff recommendation is
18 awarding a smaller amount in at least one case I see here
19 or a couple a greater amount.

20 So we take the liberty of sort of assessing their
21 needs and their program and what they're doing, and then
22 we make the determination that they don't need as much or
23 they actually need more and we have the money to do it.

24 SUPERVISOR TURNER: Right. In a lot of the cases
25 where we reduce the budget, a lot of times they were

1 asking for too many hours or too many inspections. And we
2 allow them a certain percentage of inspections. And then
3 also we encourage them to do training with us and take
4 training outside of, you know, our one-on-one training
5 with them. So in those cases where we increase the
6 budget, a lot of times that was because they didn't have
7 what we felt was an adequate training budget to be able to
8 go to our conferences and round tables and those sorts of
9 things.

10 COMMITTEE MEMBER DANZINGER: So we accompany the
11 award with that message. We have a targeted message back
12 to that recipient indicating here's why we're doing this,
13 and we would like you to focus on this.

14 SUPERVISOR TURNER: Yes. And we send the revised
15 budgets back to them in case, you know, they have any
16 objection or they have more information they can provide
17 us. So it's a cooperative mutual agreement.

18 COMMITTEE MEMBER DANZINGER: Okay.

19 BOARD MEMBER CHESBRO: Madam Chair, so it sounds
20 like given the fact that we have been undersubscribed that
21 there are jurisdictions who -- we would like more
22 jurisdictions to participate, is that correct? Are we
23 proactively involved or just waiting for the jurisdictions
24 to come to us? How does that work?

25 SUPERVISOR TURNER: We've been very proactive on

1 larger jurisdictions. Ms. Mulé was very instrumental in
2 helping us with Riverside. We've done some targeting of
3 San Diego County, and we had Board members talk to their
4 Board of Supervisors. We've given presentations.

5 CHAIRPERSON MULÉ: One of the other things -- and
6 again, thank you for these questions. They're great
7 questions.

8 One of the obstacles in getting the money out, so
9 to speak, is we were doing a couple of things and not
10 intentionally. One was we were limiting the overhead to
11 10 percent. And when I asked staff what our overhead was,
12 it's higher than 10 percent. So we're looking at -- we
13 are looking at, you know, ways to adjust that for future
14 grant cycles.

15 The other thing was I had heard from a number of
16 jurisdictions that the allowable activities were somewhat
17 limited. And so, again, we're looking at now expanding
18 the allowable activities to include cleanup of illegal
19 tire piles around the jurisdictions as well as purchasing
20 of surveillance equipment. So, you know, the whole idea
21 is if we're going to provide enforcement, we want it to be
22 effective. So we need to give the jurisdictions the
23 tools, the resources they need to be effective.

24 DEPUTY DIRECTOR LEE: Madam Chair, if I may to
25 add additional perspective on this issue.

1 You know, basically as you saw from the beginning
2 of this program, the program started off on a competitive
3 basis. And it was not very well subscribed at all. We've
4 gone to, you know, basically I call it a quasi-competitive
5 if you will. But virtually, if you apply, there's good
6 likelihood you will be funded based on the criteria the
7 Board approved in November 2005. In the event we're
8 oversubscribed, there is a procedure and protocol for
9 scaling back the proposals to come in under what the
10 Five-Year Plan allotment is.

11 The other thing to understand about this
12 particular program that, you know, although the
13 jurisdictions that we have that are involved with us doing
14 enforcement work, there is a difference between the tire
15 enforcement grantees and those that you may be familiar
16 with on the solid waste side. Where the response on the
17 solid waste side, the responsibility for the local
18 jurisdictions are specified in statute. On the tire side,
19 it's purely voluntary. And a lot of the municipalities
20 don't have -- looking at their tire problems at the very
21 top of their priority list. So we've had to basically get
22 out and beat the bushes, if you will, to encourage
23 participation. And staff has been very successful if that
24 endeavor to date.

25 I think at this point we don't want to encourage

1 every jurisdiction to come. We're trying to get the
2 larger the regional ones just for cost efficiency and
3 effectiveness sake. I think the Board Chair mentioned
4 some of the other considerations that we are looking at
5 for future grant cycles to continue to improve on the
6 delivery of services, to make it more palatable, but also
7 make it more cost effective and efficient for us to
8 administer the program and for the local jurisdictions to
9 participate with us.

10 So, again, hopefully that clarifies and provides
11 a little background for you, Mr. Chesbro, on this
12 situation.

13 BOARD MEMBER CHESBRO: One more. Each question
14 leads to another one. I take it since there's cities and
15 counties and there's large and small that there's not one
16 place that this is managed in each jurisdiction. In some
17 cases, I'm just guessing, might be law enforcement. In
18 some cases, it might be the LEA. Can you characterize
19 where within each jurisdiction --

20 SUPERVISOR TURNER: That's correct. Some of them
21 are administered through the Code Enforcement. Some
22 through the CUPA Program, and some through the LEAs.

23 BOARD MEMBER CHESBRO: Thanks.

24 CHAIRPERSON MULÉ: Okay. With that, any other
25 questions, or do I have a motion?

1 COMMITTEE MEMBER DANZINGER: Move Resolution

2 2007-82.

3 CHAIRPERSON MULÉ: I'll second that. And

4 Donnell, would you please call the roll?

5 EXECUTIVE ASSISTANT DUCLO: Member Danzinger?

6 COMMITTEE MEMBER DANZINGER: Aye.

7 EXECUTIVE ASSISTANT DUCLO: Chair Mulé?

8 CHAIRPERSON MULÉ: Aye.

9 We will put that on fiscal consent. Thank you
10 all very much. Good work.

11 Our next item is Committee Item E.

12 DEPUTY DIRECTOR LEVENSON: Thank you, Madam
13 Chair, Howard Levenson. I'm not sure what title I should
14 use.

15 CHAIRPERSON MULÉ: Former.

16 PROGRAM DIRECTOR LEVENSON: We have a number of
17 items before you that are related to permitting and
18 compliance issues. Kind of runs the gamut from permits
19 through cleanup projects through regulatory packages. So
20 without any further adieu, I will just start with the
21 first item, which is Consideration of a Revised Full Solid
22 Waste Facilities Permit for the Walker Landfill in Mono
23 County. And Geri Stryker to my left will be making this
24 presentation.

25 CHAIRPERSON MULÉ: Good morning, Geri.

1 SUPERVISOR STRYKER: Good morning, Chair and
2 Committee members.

3 The current permit for the Walker Landfill was
4 issued in 2002. Walker Landfill is operated by Mono
5 County Department of Public Works on land owned by Mono
6 County.

7 The Walker Landfill is mainly used for
8 construction and demolition waste but is also permitted to
9 accept non-hazardous solid waste. The proposed permit
10 revision allows for the following changes: A correction
11 of total permitted acreage from 40 acres to 43.5 acres and
12 a correction to the permitted disposal acres from 38.4 to
13 10.4 acres; an increase in tonnage from 150 tons per year
14 to 500 tons per year; a change in the estimated closure
15 year from 2162 to 2120; updating the joint technical
16 document to reflect proposed changes in operations and
17 modification of the language in the enforcement agency
18 conditions section of the proposed solid waste facilities
19 permit.

20 I would like to make one correction on the agenda
21 item on page 3 under LEA certification, bullet three
22 states that preliminary findings that the proposed
23 permit's consistent with CEQA and that CEQA is pending.
24 That's incorrect. CEQA was completed. And so that will
25 be revised in the agenda item.

1 CHAIRPERSON MULÉ: Thank you.

2 SUPERVISOR STRYKER: So the LEA has certified the
3 application package is complete and correct and that the
4 report of the facility information meets the requirements
5 of the California Code of Regulations and that the
6 California Environmental Quality Act has been complied
7 with.

8 Board staff has determined that all the
9 requirements for the proposed permit have been fulfilled.
10 And in conclusion, staff recommends that the Board adopt
11 Board Resolution Number 2007-86 concurring with the
12 issuance of solid waste facilities permit number
13 26-AA-0001.

14 And that concludes staff's presentation. But I'm
15 here to answer any questions, and also is Mr. Jim Goodloe
16 with the Mono County LEA Office, and Mr. Evan Nikirk from
17 the Mono County Public Works Director. They're here today
18 to answer any questions you may have for them.

19 CHAIRPERSON MULÉ: Thank you very much, Geri.

20 Do we have questions for either staff or Jim or
21 Evan? Thank you both for being here. Thank you for being
22 here.

23 COMMITTEE MEMBER DANZINGER: I honestly don't
24 know if I have any questions. I mean, you know I read
25 through the item. And first I want to take my hat off to

1 whoever caught the mistake on the permitted design
2 capacity, which resulted in a minor reduction from nearly
3 2.2. million cubic yards to 340,000.

4 BOARD MEMBER CHESBRO: How about the length of
5 the life of the landfill.

6 COMMITTEE MEMBER DANZINGER: Yeah, Mike was just
7 telling me he hopes he's around to manage the closure of
8 this facility.

9 You know, since '03, I mean, 13 State minimum
10 standards violations, 77 permit violations, still had SMS
11 and permit violations in January, references the
12 facility -- the inspection on March 15th. And suddenly
13 there's no State minimum standards violations. Was the
14 March 15th inspection a preannounced inspection or --

15 SUPERVISOR STRYKER: Yes and no. I mean, it was
16 planned. And they had to make sure that there was access
17 because the facility isn't opened every day of the week.

18 COMMITTEE MEMBER DANZINGER: I understand.

19 SUPERVISOR STRYKER: So they had to make the
20 operator aware they needed access to the facility.

21 COMMITTEE MEMBER DANZINGER: I'm not saying it
22 should have been random. I understand that. But I think
23 it's noteworthy again, and we've seen a couple like this
24 before where they just got a real checkered past. This is
25 clearly an example of a facility where the oversight

1 seemed to be lacking. And I don't know whether it was a
2 case of a recalcitrant facility operator. I notice it is
3 a county-run facility. And we've seen these before. And
4 it always gives me pause. And I wonder, you know, is
5 there real accountability? Is there a bar that's been
6 set, you know, between this party and this party both
7 working in the same municipality that's demanding that
8 some of these problems get eradicated. And you see this,
9 and all of a sudden the inspection that's done a few weeks
10 before we take it up, suddenly there's no State Minimum
11 Standards violations, and there's no permit violations.
12 And at this snapshot moment in time, it's suddenly a model
13 facility.

14 So I mean, I see that it meets the requirements.
15 It's fine on CEQA. I don't even have this problem with
16 the permitted acreage and the proposed acreage, that was
17 apparently an LEA error in 2002. I don't have any problem
18 with that. That happens. We just have a history of
19 problems with this facility. Thank God it's only 150
20 going to 500 a year, you know.

21 CHAIRPERSON MULÉ: Howard, I just -- well, and
22 staff. I just want to echo Board Member Danzinger's
23 comments. There seems to be an issue with the ability of
24 the LEA to maintain their work plan. I think this is
25 their third work plan they're on. So I do have a concern

1 with that and just, you know, the issue of the LEA
2 performance in general. So I'd appreciate if you could
3 address those issues, because they do concern me.

4 PROGRAM DIRECTOR LEVENSON: Thank you, Madam
5 Chair and Member Danzinger. I think I'd like to offer you
6 a few perspectives on this issue and then perhaps it would
7 be appropriate to have Mr. Goodloe and Mr. Nikirk come up
8 and provide some of their perspectives on what they're
9 doing.

10 You are correct that this is the third LEA
11 evaluation cycle. And Mono County has been through all
12 three, all LEAs. And in each case, they've been placed on
13 a work plan to correct certain deficiencies that we've
14 noted as part of the evaluation. In the first two cycles,
15 the LEA's performance did improve to a point where we
16 didn't feel it was warranted any recommendation for
17 further action by the Board.

18 And after the second evaluation, the LEA did need
19 to have some permits revised as part of their corrective
20 measures that were included in their evaluation work plan.
21 That includes this Walker permit. So they are coming into
22 compliance on that part. But they asked after that second
23 evaluation for assistance from our Permitting and
24 Inspection staff.

25 In this case, it's our view that we provided more

1 than the normal account of assistance in helping the LEA.
2 For example, we trained the LEA in the permitting process,
3 including the review of the joint technical document. We
4 provided comments to the operators for corrections and so
5 on. So we feel that in the second evaluation work plan
6 the LEA completed some of its tasks in part, at least
7 because of our additional assistance kind of above and
8 beyond the normal mode of assistance.

9 Then we had the third cycle which also noted
10 continuing performance issues. Subsequent to that, we did
11 work with the LEA to develop a very comprehensive work
12 plan as we've done on the other cycles. This was approved
13 in February of this year.

14 Prior to that, we had a sort of mini
15 administrative conference with myself, all of my staff,
16 and the LEA, and the Director of Environmental Health in
17 December or November. In those discussions, we did tell
18 the LEA that it was our view we had provided more than the
19 normal amount of assistance in the past, because we
20 expected that LEA capabilities and performance would
21 improve as a result of that assistance. Yet, after this
22 third cycle, we're finding ourselves in much the same
23 situation as we have in the past.

24 So a couple of points about this particular LEA,
25 and then I want to give you a little broader perspective.

1 We did tell at that point the LEA we would not be
2 providing that additional one-on-one assistance, that we
3 would certainly provide guidance as we always have. But
4 we weren't going to perform tasks for the LEA so that we'd
5 see if they either demonstrated adequate performance or if
6 as a result we might have to consider more formal options.
7 So since that time, the LEA has completed the Walker solid
8 waste facilities permit revisions, and that's before you
9 today. So that's a positive step. But some of the tasks
10 that are in the work plan were accomplished or after their
11 due dates and others remain to be accomplished.

12 We have talked to the LEA about the need to
13 submit another work plan revision to show what the changes
14 in the dates are and why they can't perform the tasks they
15 originally agreed to. And the LEA has responded that
16 they're overwhelmed with the number of corrective tasks
17 and ongoing program needs that need to be carried out with
18 the existing resources. And those resources cover many,
19 many other environmental health-related programs in the
20 county. So it's typical for rural counties to have a lot
21 on their plate besides solid waste.

22 In addition, one of the key LEA staff plans to
23 retire this summer. And so that's going to further
24 exacerbate the problem. Certainly, there will be some
25 interim time before that person is replaced and their

1 replacement is brought up to speed. And I think this not
2 only points out some of the difficulties that we're seeing
3 with Mono County, but it also is indicative of the
4 problems we're seeing in rural counties in general.
5 Sharon can provide more information on this. She's been
6 in discussion with some of the environmental health
7 directors.

8 But these rural counties, typically, the LEA
9 program is housed within a larger program that is covering
10 CUPA, food waste inspection, and restaurant inspection,
11 septic, you name it, all kinds of programs. They are
12 functioning on limited monetary resources. Many of them
13 are using the Department of Health Services contract
14 resources through the local public health services
15 program. And Mono County is no exception. So in general,
16 the rural counties have a fewer staff. They have fewer
17 monetary resources to accomplish this wide variety of
18 tasks.

19 There's some issues that we're uncovering in our
20 discussions where DHS funding may be limited in the
21 future. So this is a broader systemic problem.
22 Certainly, there's a problem with Mono County. And from
23 our perspective, that's an important problem we have to
24 deal with. There's a broader systemic problem with rural
25 county LEA resource issues in general.

1 CHAIRPERSON MULÉ: Thank you, Howard. Appreciate
2 that background. It's very important. And perhaps this
3 may be a subject that we can discuss either at a future
4 Permitting and Compliance Committee meeting or even our
5 Policy Committee of the full Board.

6 COMMITTEE MEMBER DANZINGER: I think so. Because
7 you know we're trying to find the right balance here. I
8 recognize the challenges that rurals face as well. No
9 doubt about it. And as you say, we have a performance
10 issue. I don't know how much of that is performance based
11 and how much is other issues. So where do we step in and
12 say here's the statement we're going to make with respect
13 to a situation that's not optimal. And what are the
14 appropriate steps that you take. I mean, you know, I
15 mean, do we do it through the permit? Do we do it through
16 other means?

17 BOARD MEMBER CHESBRO: Well, there's an old
18 saying in rural counties: You can't squeeze blood from
19 low-hanging turnips. Mixes a couple metaphors there. But
20 none the less, I think the dilemma we face is that if the
21 organizational infrastructure and resources simply aren't
22 there, what are the practical alternatives? It's not
23 necessarily of somebody being good or bad as it is whether
24 there's capacity exists. And you know, each of these
25 jurisdictions has their own circumstances or you might

1 find one jurisdiction that's handling it fine and one that
2 isn't. But frequently, the smallest counties are the ones
3 that have the hardest time performing some of these state
4 requirements.

5 PROGRAM DIRECTOR LEVENSON: Certainly, there are
6 a couple points.

7 First of all, just to not lose attention that
8 this particular item is about the permits, and we'll
9 definitely want to come back to that.

10 But in terms of the LEA performance, there are a
11 number of things that are possible. There are formal
12 Board actions that can be taken if warranted, and I don't
13 think we're at that point now. But it might be helpful to
14 hear from the LEA and the director of public works in
15 terms of their understanding of the situation what they
16 think can or cannot be done to correct the performance
17 issues and the long-term resource issue. And that might
18 give the Board some further insight as to what we might do
19 in the future.

20 CHAIRPERSON MULÉ: Thank you, Howard.

21 Does either the LEA or the Department of Public
22 Works, Jim or Evan, would you like to come up and address
23 the Committee?

24 Good morning.

25 MR. GOODLOE: Good morning, Madam Chairman and

1 Committee. Can you hear me okay?

2 CHAIRPERSON MULÉ: Yes.

3 MR. GOODLOE: I want to apologize for --

4 CHAIRPERSON MULÉ: Could you please state your
5 name for the record, please?

6 MR. GOODLOE: I'm James Goodloe, LEA of Mono
7 County. I've been there since 1994.

8 I want to apologize for the Walker permit, and it
9 was a little late getting here and the issues came up
10 three years ago. And that's because of a shortage of
11 manpower. We have 4.4 man years that environmental health
12 services in Mono County. Of that 4.4, that 40 percent is
13 me. My 60 percent activities is in Alpine County where I
14 do general health activities. I'm a State employee, one
15 of the contract counties that Howard mentioned.

16 Basically, what Howard has said is true. And
17 what we're doing in -- I don't want to get into it too
18 much, because I'm not the director. Dennis couldn't be
19 here today on short notice. And in fact, he's working on
20 these issues with our health and human services director
21 today.

22 What we have indicated to our health and human
23 services people is that we need a one full-time solid
24 waste LEA person in Mono County. It's been functioning at
25 a 40 percent since 1993. So obviously we are not gaining

1 here. The last three years the evaluation was pretty much
2 right on. My director pulled me out of solid waste
3 activities because we were operating with essentially two
4 people during those three years. So it just couldn't be a
5 priority for our other public health issues.

6 So we're back on track now. We're fully staffed
7 in December. We have been asked -- Dennis has given me
8 permission, Mr. Lampson, to put in the 40 percent time to
9 solid waste. So we will have a bare bones program for the
10 interim period.

11 I'm the person that's planning on retiring in the
12 latter part of the summer. But I do plan on staying on in
13 some kind of contract until he can put the program
14 together. And his approach with health and human services
15 and the Board of Supervisors is this does need to be a one
16 full-time position. And whether we get that or not and
17 where the funding is going to come from I think still has
18 to be resolved. So that's where we're at.

19 The Walker Landfill put a little better picture.
20 There's probably very few people here that have seen the
21 Walker Landfill. What goes on at the Walker Landfill --
22 and Evan can clear this up for a little bit. It's
23 basically a C&D disposal area with the little transfer
24 station in the center of it. It's basically very well
25 operated. I mean, there are a lot of issues there several

1 years ago. But the permit -- some of the efforts --
2 brought out some of the violations within the permit. I
3 just saw that, and I'm really not sure what those are.
4 And maybe they're just reoccurring little issues. But the
5 general day-to-day operation is a very clean, well
6 maintained landfill and transfer station.

7 CHAIRPERSON MULÉ: Thank you, Mr. Goodloe for
8 being here. Appreciate your comments.

9 And with that, did the Public Works Director,
10 Evan, did you want to come up and make a few comments to
11 the Committee as well? Thank you.

12 MR. NIKIRK: Thank you, Madam Chair and Board
13 members.

14 Not to sound like a scratched CD --

15 CHAIRPERSON MULÉ: Excuse me. Could you please
16 state your name for the record?

17 MR. NIKIRK: Evan Nikirk, Public Works Director,
18 Mono County Public Works.

19 I would like to echo what Jim just said. It
20 comes down to manpower at public works as well as the LEA.
21 In public works, we have four technical positions or four
22 engineering positions. I'm one of them. My assistant
23 director is the other. And the other two positions have
24 been vacant for three or four years. Not that that's any
25 excuse.

1 But I would like to point out the State Minimum
2 Standards that -- all the violations you see on your
3 record were primarily significant change and operating
4 outside of the conditions of the permit. We haven't had
5 any State Minimum Standards issue, the meat and potatoes
6 of operating a landfill, whether it's cover, liner,
7 grading, or any of those other issues. We haven't had any
8 of those for I would say three or four years at least.

9 So having said that, as far as getting this to
10 the Board itself for approval for revision of the permit,
11 it's largely due to staffing level. With two engineers on
12 our staff, we're typically faced with higher local
13 priorities, not to dismiss what we're here to do today.
14 But there are issues locally that intend to have a higher
15 priority than permitting some of these local rural
16 landfills.

17 CHAIRPERSON MULÉ: Okay. Thank you again for
18 being here today.

19 Any other questions for staff or the applicant?

20 COMMITTEE MEMBER DANZINGER: No.

21 CHAIRPERSON MULÉ: Do I have a motion?

22 COMMITTEE MEMBER DANZINGER: Yeah. We had a
23 Revision and then we had a Revision 2. I only have
24 Resolution Revised. So do I need to move this as Revised
25 2 or just Revised.

1 CHAIRPERSON MULÉ: The Resolution, the one that
2 we have, is just revised.

3 SUPERVISOR STRYKER: You don't have a Revised 2?

4 CHAIRPERSON MULÉ: We do on the agenda.

5 COMMITTEE MEMBER DANZINGER: I have the Revised 2
6 agenda item, but my Resolution still just says Revised.
7 That was not changed.

8 SUPERVISOR STRYKER: No. The Resolution was not
9 changed. The only Revision 2 was that the inspector when
10 I asked him to review this caught the --

11 COMMITTEE MEMBER DANZINGER: Cubic yards.

12 SUPERVISOR STRYKER: Yeah.

13 COMMITTEE MEMBER DANZINGER: Then I'll move
14 Resolution 2007-86 Revised.

15 CHAIRPERSON MULÉ: I will second that.

16 Donnell, would you please call the roll?

17 EXECUTIVE ASSISTANT DUCLO: Member Danzinger?

18 COMMITTEE MEMBER DANZINGER: Aye.

19 EXECUTIVE ASSISTANT DUCLO: Chair Mulé?

20 CHAIRPERSON MULÉ: Aye.

21 We'll put that on consent. Thank you very much.

22 We now move to Committee Item F.

23 PROGRAM DIRECTOR LEVENSON: Thank you, Madam
24 Chair. With respect to the last item, I will say we
25 will -- as staff, I will work with Ted and transitioning

1 and continue to track this item. There are a number of
2 things that can be done, both through the formal due
3 process which we afford the LEA as well in some past
4 incidents like this with Inyo County, Board members did
5 engage in discussions with the Board of Supervisors. At
6 some point, we actually put Inyo County I believe on
7 probation, which was a formal Board action. So there are
8 a number of different issues or different pathways we can
9 pursue if we don't see adequate response here.

10 CHAIRPERSON MULÉ: Good. And anything I can do
11 to help, just let me know. Okay. Thank you.

12 PROGRAM DIRECTOR LEVENSON: Item F is the
13 Consideration of a Contractor for the Study to Identify
14 Potential Long-Term Threats and Financial Assurance
15 Mechanisms for Long-Term Postclosure Maintenance and
16 Corrective Action at Solid Waste Landfills.

17 This is a landmark point in the Board's
18 consideration or deliberations about this issue. As you
19 know, Madam Chair and Committee members, we've been
20 looking at the issue of what happens after 30 years of
21 postclosure maintenance and how is it funded for over
22 three years now. We've had a number of staff involved,
23 Bernie Vlach, Scott Walker, Mike Wochnick, Richard Castle,
24 Garth Adams, Bobbie Garcia, Bridgette Brown, as well as
25 our Legal Office with Holly and Michael Bledsoe, and

1 others. So it's been a long effort.

2 And as you know, last year AB 2296 was passed by
3 Assemblywoman Montaez, and it required the Board to do
4 several things. The first was to initiate a rulemaking on
5 some of the cost estimate and other related issues. And
6 we are embarked on that process, brought that to the Board
7 I believe two months ago. I can't remember exactly when.
8 But got your direction to proceed on the 45-day comment
9 period on that, and we're prepping that material.

10 The second aspect of the legislation was to
11 conduct a study, the study that's before you today, to
12 identify financial mechanism options that might be used to
13 assure postclosure and corrective action maintenance
14 beyond the first 30 years of postclosure. And also as
15 part of that, to inform that effort to come up with a
16 method for identifying long-term risks at landfills. So
17 that study when it's done would then form the basis for
18 the second rulemaking required by AB 2296, which is to
19 look at exactly how to require those long-term funding
20 assurances.

21 AB 2296 required the Board conduct a study by
22 January of 2008. So we're on a pretty tight time frame to
23 get that done. We think we can get it done and bring that
24 back to you in a very timely manner. So with that
25 introduction, turn it over to Bridgette. I may have

1 stolen some of what she was going to say, but this is a
2 very important issue. And Bridgette Brown will make the
3 presentation.

4 MS. BROWN: Good morning, Madam Chair and Board
5 members.

6 The Board at its September 12th, 2006, meeting
7 approved an allocation proposal for \$300,000 from the
8 Integrated Waste Management Account to conduct a study
9 entitled, "Financial Assurance Mechanisms for Long-Term
10 Corrective Action at Closed Solid Waste Landfills."

11 At its November 15, 2006, meeting, the Board
12 approved the Scope of Work for the contract to conduct a
13 study to identify potential long-term threats and
14 financial assurance mechanisms for long-term postclosure
15 maintenance and corrective action at solid waste
16 landfills. The Scope of Work was issued as part of a
17 Request for Proposal under the competitive bidding
18 contracting process. Today's item is a request for
19 consideration and approval of a contractor to conduct the
20 study.

21 Current statute and regulation require owners and
22 operators to be responsible for postclosure maintenance
23 activities at solid waste landfills for a minimum of
24 30-years after closure and until it demonstrated that the
25 waste no longer poses a threat. However, financial

1 assurance demonstrations for these activities currently
2 are only required for the first 30 years of postclosure
3 maintenance.

4 Over the last years, the Board has been exploring
5 the issue of whether and how financial assurance
6 demonstrations should be required for more than 30 years.
7 In July of last year, the Board directed staff to begin a
8 rulemaking on selected aspects of current closure and
9 postclosure maintenance requirements and conduct a study
10 on the long-term issue. For example, what happens after
11 30 years.

12 At about the same time, Assemblymember Montaez
13 authored Assembly Bill 2296 which was signed by the
14 Governor on September 27th, 2006. Among other things,
15 this bill requires the Board to: Conduct a study to
16 define the conditions that potentially affect solid waste
17 landfills, including technologies and engineering controls
18 designed to mitigate potential risks, and to identify
19 potential long-term threats to public health and safety
20 and the environment; conduct a study on various financial
21 assurance mechanisms that would protect the state from
22 long-term postclosure maintenance and corrective action
23 costs in the event that a landfill owner or operator fails
24 to meet its obligation to fund postclosure maintenance or
25 corrective action during the postclosure period; and adopt

1 regulations and develop recommendations for needed
2 legislation to implement the findings of the study on or
3 before July 1st, 2009. The two studies are due January
4 1st, 2008.

5 Consistent with the legislation, in general, the
6 study will: Identify the availability and applicability
7 of financial assurance mechanisms that could be used to
8 cover long-term postclosure maintenance as well as known
9 or reasonably foreseeable corrective actions at solid
10 waste landfills; assess the pros and cons of various
11 financial options to provide for the longer-term care
12 and/or corrective actions based at facilities to mitigate
13 potential future costs to the state; and provide a
14 substantial basis for evaluating the potential application
15 of these options to different landfills; define potential
16 threats to public health and safety and the environment
17 posed by the location and conditions of different
18 landfills as well as possible positive aspects of
19 landfills construction and containment techniques and
20 materials which could impact long-term threats to public
21 health and safety and the environment.

22 Due to the expertise required for this study, the
23 Board's contracting staff used the secondary RFP method
24 for determining the contractor. A secondary RFP allows 70
25 percent of the score to be based on non-cost issues such

1 as the soundness and effectiveness of the proposed
2 methodology and the feasibility of the work plan and
3 schedule.

4 The remaining 30 percent of the score is based on
5 the cost of the proposal, with the lowest bid receiving 30
6 points and the other proposals receiving a smaller number
7 of points based on a percentage of the lowest cost
8 proposal.

9 The Scope of Work was sent to the Department of
10 General Services to obtain pre-authorization to use the
11 secondary RFP method. General Services gave its approval
12 to use a secondary method to obtain these services. The
13 RFP was advertised publicly for six weeks on the General
14 Services website beginning on February 5th, 2007.
15 Interested firms were instructed to register on the
16 Board's website to receive notification of any revisions
17 to the RFP.

18 Firms with questions about the RFP were
19 instructed to submit their questions in writing by
20 February 20th, 2007. Questions and answers were posted on
21 the Board's website on March 1st, 2007, as Addendum 1 to
22 the RFP.

23 Three proposals were submitted by the RFP
24 deadline of March 19th, 2007. The Contract Unit reviewed
25 all three proposals to determine whether each proposer

1 submitted all necessary forms. A Selection Committee
2 consisting of five technical staff with expertise in
3 financial assurance mechanisms, insurance, and solid waste
4 landfills was established to evaluate the proposals. The
5 Selection Committee met with the contract analyst to
6 receive review and scoring instructions as well as copies
7 of the three proposals. The Selection Committee was
8 directed to review each of the three proposals, but not
9 discuss them with others, use a scoring guide that
10 provided all of the key components of the RFP to
11 facilitate review, fill out the proposal scoring sheet for
12 each proposal, and submit the scoring sheets to the
13 contract analyst.

14 A second addendum was sent out to the three
15 proposers who had expressed interest in the contract
16 advising them to be available for clarifying questions if
17 the Selection Committee saw a need. On March 23rd, 2007,
18 in a meeting of all Selection Committee members, each of
19 the three proposers was contacted and asked one question:
20 How do you, as the primary contractor, intend to interact
21 with the subcontractors? And how do you plan to use their
22 expertise throughout the contract, including the
23 development of recommendations?

24 The Selection Committee then completed their
25 scoring sheets and submitted them to the contract analyst.

1 Once the scores were received, the contract analyst
2 determined the number of points received for the cost of
3 each proposal and calculated the total scores for each
4 proposal.

5 Based upon this process, HF&H Consultants
6 received the highest score. HF&H Consultants' proposal
7 provided the best overall approach including integration
8 of the main contractor and subcontractors. Their expected
9 products were evaluated as the most useful to the Board in
10 helping to make decisions on what should be done regarding
11 financial assurance, corrective action, and long-term care
12 of landfills.

13 Once the contract has been awarded, Board staff
14 will consult with stakeholders, including representatives
15 of the League of California Cities, the County
16 Supervisors' Association of California, private and public
17 waste services, and environmental organizations to solicit
18 comments regarding the study.

19 Based upon the results of this study, staff will
20 then return to the Board with viable options and
21 recommendations for Board consideration regarding
22 postclosure maintenance and corrective action financial
23 assurance requirements.

24 Staff recommends Option 1, approve the proposed
25 contractor, HF&H Consultants, for the study to identify

1 potential long-term threats and financial assurance
2 mechanisms for long-term postclosure maintenance and
3 corrective action at solid waste landfills for an amount
4 not to exceed \$300,000 and adopt Resolution Number 2007-87
5 revised.

6 The Financial Assurance Selection Committee is
7 available to answer any questions you may have. This
8 concludes my presentation.

9 CHAIRPERSON MULÉ: Thank you, Bridgette.
10 Appreciate that background.

11 Do we have any questions for staff? We don't
12 have any right now.

13 Excuse me, Board Member Chesbro, do you have any
14 questions right now?

15 BOARD MEMBER CHESBRO: No.

16 CHAIRPERSON MULÉ: Okay. Thank you. Well, then
17 I'll move ahead.

18 I do have a number of questions. Let me just
19 start out by saying that I know that as a Board we are
20 limited as to the information that we can receive on
21 proposals and I respect that. That is part of the way
22 that we operate.

23 I do appreciate the information that you did
24 provide on the staff qualifications for the recommended
25 contractor. I do have some concerns about their

1 qualifications. The primary contractor, HF&H, in my
2 review of their resume, their primary expertise is with
3 franchises, franchise negotiations, and rate studies. And
4 I did not see any information pertaining to landfill
5 experience with their principals that are involved with
6 this particular project, which is again focusing on
7 financial assurance mechanisms and postclosure issues.

8 The other thing that I did was I did go on the
9 websites of the primary contractor HF&H and BAS who was a
10 partner with HF&H. And again, on their websites, again I
11 didn't read any -- there was no mention of experience with
12 financial assurance plans. So that was another thing. I
13 didn't see any information on risk assessment for
14 landfills from either of these on their websites.

15 And then what I did was I went to some of the
16 other proposers. I did go to SCS Engineers' website as
17 well as GeoSyntec. And SCS Engineers under their solid
18 waste landfilling engineers services, it opens up by
19 saying, their first sentence reads, "Landfilling
20 engineering is the primary business of SCS." Then it
21 later states that, "SCS provides the following range of
22 specialized landfill services to meet the needs of our
23 clients, which includes closure and postclosure care
24 plans, financial assurance plans, landfill risk
25 assessments, et cetera, et cetera."

1 SCS, as far as their experience, seems to have a
2 much broader and wider experience in this area as well as
3 GeoSyntec. Both companies have offices throughout the
4 country. Again, HF&H is primarily a California-based
5 company that doesn't even focus on landfill issues. They
6 focus on franchise issues and AB 939 compliance issues.

7 BAS, they have some work in the realm of landfill
8 management, landfill design and construction. Again, from
9 my research, their depth and breath of experience is much
10 more limited, and it's limited mostly to California,
11 Arizona, a few other states here out west.

12 So I'm just going to say that I'm not comfortable
13 with adopting -- going with staff's recommendation for
14 this contractor. Because based on my research, I don't
15 feel that this team of contractors is the most qualified
16 to undertake this very important study.

17 COMMITTEE MEMBER DANZINGER:

18 STAFF COUNSEL ARMSTRONG: Holly Armstrong from
19 the Legal Office.

20 I just want the Committee to understand the
21 options available to it. If the staff recommendation is
22 not adopted, the situation would not be that the next in
23 line would be awarded the contract. The contract would be
24 essentially rejected, and we would have to start all over
25 with an entirely new competitive process. And I don't

1 know whether there's anyone here from Admin, but I think
2 we're close enough to the end of the fiscal year that I
3 think it is potentially and probably too late in the
4 fiscal year to start a new competitive process to let a
5 new contract for --

6 CHAIRPERSON MULÉ: But I'm not going to approve a
7 contract I'm not comfortable with awarding.

8 STAFF COUNSEL ARMSTRONG: That's your
9 prerogative.

10 COMMITTEE MEMBER DANZINGER: The option's not
11 available to consider one of the others if they've also
12 met the eligibility criteria?

13 STAFF COUNSEL ARMSTRONG: Not in this process.
14 The competitive process is that the evaluation team has
15 evaluated the proposals and made a recommendation, and
16 it's the Board's option to go up or down.

17 COMMITTEE MEMBER DANZINGER: Well, I mean Board
18 Member Chesbro go ahead.

19 BOARD MEMBER CHESBRO: I was just going to say, I
20 think the Chair has raised some significant issues. And I
21 would hope they would have been issues that the staff
22 would have considered in this process. Can we ask the
23 staff to respond to what the Chair -- in terms of how they
24 analyzed this recommended contractor visive the
25 qualifications?

1 COMMITTEE MEMBER DANZINGER: Let me ask a
2 question quick in relation to that, because I think the
3 one point that the Chair mentioned that I guess resonated
4 with me is that, you know, understand you have your
5 primary contractor, and then you're going to have
6 subcontractors, and they're going to have some specialties
7 that are brought to bare, and it all fills out the
8 picture. But the primary stuff that we want to achieve
9 here, I would hope that those things would be served by
10 core competencies that would be resident in the primary
11 contractor. And that the most important stuff we're
12 looking for would be something at its core, the primary
13 contractor at least has a track record on and experience.
14 And there would be other issues relating to all that, all
15 the other stuff we want that are served through the
16 subcontractors.

17 In this case, the way I'm understanding, it is
18 that it's not a core competency of the primary contractor
19 and even debatable as to how much of a core competency it
20 is of one or more of the subcontractors. So I guess that
21 would be my point is was there not an apparent void there?

22 STAFF COUNSEL ARMSTRONG: Absolutely, staff can
23 explain how it evaluated the successful bidder. That's
24 fine.

25 MS. GARCIA: I was just going to go a little bit

1 over the process. What we had prepared for all of the
2 team --

3 CHAIRPERSON MULÉ: Bobbie, could you state your
4 name?

5 MS. GARCIA: Bobbie Garcia with Permitting and
6 Enforcement Division, the new program.

7 But anyway, because the technical knowledge --
8 and we're really dealing with two phases in the study.
9 One is to have somebody who has expertise in the area of
10 financial assurance and insurance. The other one is to
11 have somebody who's very knowledgeable about landfills,
12 how they operate, what are some of the concerns that you
13 have if you were to have a catastrophic event or any kind
14 of event that could pose a risk to nearby people or to the
15 environment.

16 With that said, we prepared as part of the
17 process to help the team a scoring guide that we provided
18 to them. And in that scoring guide, we ask them to look
19 at several things. Part of it was we wanted them to go
20 back and to look at the methodology and then we had a
21 scoring sheet with it. But if you look at it, the
22 questions that they were to go through was the soundness
23 and effectiveness of the proposed methodology, the
24 applicability of the proposed methodology, the feasibility
25 of the work plan and schedule, because we asked for that

1 to show they can actually accomplish what we want within
2 the deadlines which is basically a seven-month time
3 period. So it's not very long.

4 We also had questions on their qualifications and
5 resources for the team to look at as they were going
6 through the proposals. One was the assigned staff's
7 knowledge and educational background of the particular
8 project involved, the assigned staff's experience and
9 background in similar projects, and the abilities of the
10 assigned staff to conduct the necessary research with
11 proficiency, accuracy, and without omission. Then we also
12 looked at their past work. We had samples of their
13 written work and had scoring criteria again for that for
14 the team.

15 So the team never did meet to discuss the scoring
16 of these proposals. We went through the instructions with
17 them and then sent them off to go read the -- finish
18 reading the proposals, go through all the proposals, and
19 do their scoring on their own. We had people on the team
20 that represent landfill knowledge. We had people on the
21 team that represent financial assurance knowledge. And we
22 had some additional people that also brought in some
23 knowledge about landfills.

24 So I can't really tell you other than what the
25 final result was, because we, Bridgette and I, are the

1 contract managers. We did not go through and score the
2 proposals ourselves. But I can say that the results --
3 what I heard from some of the people, the results were
4 because there was a concern about melding the two together
5 when you're looking at financial assurances and the risk
6 with the landfills. And in looking at this proposal, it
7 showed a better connection between those two events and a
8 more balanced way of looking at it than maybe the other
9 proposals.

10 COMMITTEE MEMBER DANZINGER: Could you elaborate
11 on that point?

12 STAFF COUNSEL ARMSTRONG: If I might say, one of
13 the reasons -- for the record, Holly Armstrong again.

14 One of the reasons for the way the competitive
15 process is set up is that there is a scoring panel that
16 individually and independently scores each proposal and
17 then the scores are brought together is that it tends to
18 be a more evenly and well-balanced review of each
19 proposal, rather than if it's a group of people meeting
20 and talking about the proposals and biases and individual
21 intentions and tend to be less evident when you have a
22 group of people independently scoring the proposals and
23 then have the scores brought together and averaged.

24 And so that's the whole reason that the State's
25 competitive process is designed the way that it is, is so

1 that you have people with expertise in these different
2 areas looking at the proposals separately and
3 independently. And the theory and the reasoning behind
4 that is that then you get the best and most balanced
5 evaluation of all the proposals.

6 COMMITTEE MEMBER DANZINGER: Well, you know what?
7 I'm certainly not impugning the integrity of the process.
8 I'm sure it all carried out fine. And I think I
9 acknowledge a special challenge that you faced on this
10 one, because you've got two separate sort of issues that
11 you're trying to meld together here.

12 I guess I'm just thinking the orbit that we live
13 in has got to be the primary function of the past
14 experience and the work experience and the core competency
15 of who's going to be doing it. And I thought, for
16 instance, in the item, I thought the item captured the
17 balance and the candor of what we have to get into through
18 this contract very well. When it says the study is going
19 to "define potential threats to public health and safety
20 posed by the location and conditions of different
21 landfills, as well as possible positive aspects of
22 landfills construction and containment techniques and
23 materials, which could impact long-term threats to public
24 health and safety of the environment," to me, that's
25 landfills out there that are doing things that are right,

1 and you know, are setting us up for success and others
2 that we need to study some more and build into a better
3 model or whatever.

4 But that, you know, that seemed to speak to the
5 core competency, which doesn't appear to be resident in
6 this particular firm. It seems like, you know, we
7 acknowledge here that this is a primary component that's
8 going to drive how we get to an end state we want to get
9 to, and yet it was separate issues and competencies that
10 appear have been considered as far more important and
11 weighted more heavily in favor of this particular entity.

12 So I guess that's where I'm a bit confused. And
13 I don't know whether we've set up a standard, we've set up
14 a model that, you know, some presumptions and some
15 objectives that we want to achieve with the study. But I
16 don't know whether we've actually served those primary
17 objectives through a contractor that fits this particular
18 profile. So I'm sure I'm confusing all this even more,
19 but that's --

20 PROGRAM DIRECTOR LEVENSON: Madam Chair, if I can
21 make a few comments.

22 I think Ms. Armstrong and Ms. Garcia certainly
23 explained the process. It's staff's belief that we have
24 undertaken a rigorous evaluation that accounts for
25 qualifications. But I do want to point out that the

1 proposed contractor is available to speak before you at
2 the Board meeting next week. I know we have other things
3 to accomplish at that Board meeting. If the Board chooses
4 not to award this contract, then we are in a position
5 where it is not possible to do an RFP this fiscal year.
6 We would have to wait until next fiscal year. So the
7 award after a second process is likely to be at best
8 around the turn of the calendar year, which is when the
9 study is due.

10 CHAIRPERSON MULÉ: You can start the process now,
11 Howard.

12 PROGRAM DIRECTOR LEVENSON: We have no funding.

13 CHAIRPERSON MULÉ: You could start the process
14 July 1 when we get the new budget.

15 PROGRAM DIRECTOR LEVENSON: We can be ready to
16 put an RFP out as soon as the budget is signed. That
17 depends on the Board assigning FY 07-08 funds for the
18 contract and budget being signed. And then we have to go
19 through the process. The process will still take several
20 months to have an RFP out and evaluate those. So just
21 want to bring that to your attention.

22 BOARD MEMBER CHESBRO: Madam Chair, I note on
23 page 3 the various tasks that AB 2296 directed that the
24 Board carry out in this regard. But there's no dates
25 listed. How would a delay in the letting of this contract

1 affect our obligations under the law in terms of when any
2 mandated times that we are supposed to accomplish any
3 benchmarks or tasks?

4 PROGRAM DIRECTOR LEVENSON: AB 2296 does require
5 the study to be completed by January 1st of '08. And then
6 the subsequent rulemaking that would be dependant on the
7 study being completed by July of 2009.

8 BOARD MEMBER CHESBRO: So without commenting on
9 the merits of this contractor, one of the considerations
10 that should be kept in mind is that not proceeding -- the
11 Board not proceeding next week will result in us not
12 meeting the legislative deadline.

13 PROGRAM DIRECTOR LEVENSON: That's correct.

14 COMMITTEE MEMBER DANZINGER: I'm sorry. How much
15 time do we think once the contract is let, how long would
16 it be before the Board might be adopting the study?

17 PROGRAM DIRECTOR LEVENSON: On a tight time
18 frame, if the contract is awarded this month, our time
19 frame is to have it back to you in roughly the December
20 time frame at the end of this year. So six months on a
21 compressed time schedule. So if we were to award a
22 contract after a second bidding process say in
23 September/October, we're back into the Aprilish time frame
24 probably at best. I don't know what kinds of appeal
25 processes might hinder that as well should we not award

1 this.

2 But I guess one other point that I would like to
3 make because I certainly understand the concerns you've
4 expressed. I wasn't part of the team that evaluated it.
5 I think we had highly competent technical staff looking at
6 those, but we recognize your concerns.

7 We do have a stakeholder steering group that
8 would be part of the proposed process for implementing the
9 contracts. So it would be input on methodologies, review
10 of materials, so on, so forth. My perspective on this all
11 along is once we bring a study back to the Board, that's
12 going to engender much, much more discussion. So
13 regardless of who the contractor is, I think we're going
14 to be at a point whenever that study is brought before us
15 we are going to be having some more informal workshops to
16 pin down the options and come get some final directions.
17 That doesn't mitigate the concerns you've raised, but it's
18 a long process we're engaged in here.

19 CHAIRPERSON MULÉ: Howard, I appreciate all your
20 comments on this. However, this is an extremely important
21 study that we're undertaking. And I as one Board member
22 want to make sure it is done right and that we have the
23 right people on the team. And I just have to say for the
24 record I'm not comfortable. I cannot in good conscious
25 vote to recommend this contractor to the full Board. So

1 that's where I stand on this. And Board Member Danzinger,
2 do you have any other --

3 COMMITTEE MEMBER DANZINGER: No. I mean, I'm
4 going to hold off until the Board meeting. Would it be
5 too much to get a presentation? I guess, you know, I
6 don't know. Can you get a presentation from the proposed
7 awardee before the Board has actually voted on -- I mean,
8 is that improper or --

9 PROGRAM DIRECTOR LEVENSON: I'm going to ask
10 legal. Certainly, the proposed contactor can be here to
11 answer questions, but I'm not sure what the limits are.

12 COMMITTEE MEMBER DANZINGER: Maybe that. I'm not
13 implying a dog and pony show, but just available.

14 STAFF COUNSEL ARMSTRONG: They can be here to
15 answer questions. I don't know whether a formal
16 presentation would really be appropriate, but they can
17 certainly be here to answer questions. And if it would
18 help the Committee and other Board members to see the
19 actual scoring sheet that was used by the evaluation
20 panel, the information in the scoring sheet was all taken
21 directly from the Request from Proposal. So that would be
22 no problem. We can provide that to you.

23 CHAIRPERSON MULÉ: I have a copy of it, but I
24 think it would be helpful to supply to all the Board
25 offices.

1 STAFF COUNSEL ARMSTRONG: Okay. We'll be happy
2 to do that.

3 CHAIRPERSON MULÉ: And the other issue about the
4 delay, I mean, I understand that we may delay this and
5 that we are on a tight time line. But I would hope that
6 the Legislature might understand if we're six months late
7 or so on this time line. I mean, this is an important
8 issue. And it is, you know, one that has generated much
9 discussion over the last several years. So I really think
10 we need to do this right and we need to make sure that
11 we've got all our i's dotted and our t's crossed. So with
12 that --

13 BOARD MEMBER CHESBRO: Madam Chair, again, I
14 didn't look at this carefully. I'm not a Committee
15 member. I'm not commenting on your judgment in terms of
16 the adequacy of the one proposal.

17 Just speaking to the question of the Legislature,
18 I can tell you as a former member that State boards and
19 agencies not performing as directed in legislation signed
20 by the Governor incidentally, not just passed by the
21 Legislature, makes legislators really grumpy. And so I
22 think it is a consequence that ought to be seriously
23 considered. It doesn't negate your concerns about the
24 contract, but those things should definitely be weighed.

25 CHAIRPERSON MULÉ: But I would hate for us to

1 hire a contractor who's not qualified over other
2 contractors who might be. So I think if we had the
3 opportunity to explain that to the Legislature as well as
4 the Governor's office, I think they would understand that.

5 BOARD MEMBER CHESBRO: Well, again, I'm sort of
6 shimmying into defending the contractor. I don't intend
7 to do that, because I'm not familiar enough. But that's
8 also in the face of -- if I were the legislator, I would
9 quiz you would say in the face of your screening process
10 and your counsel saying that it is sufficient. So, you
11 know, that undermines the case that it is an unqualified
12 contractor winds up with the Board member's determining
13 that separate from the recommendations of staff.

14 CHAIRPERSON MULÉ: Okay. Well, with that -- yes,
15 Bobbie.

16 MS. GARCIA: I just wanted to add one more thing.
17 When you look at the Scope of Work, we put in place work
18 to be performed. We asked them to do a work plan before
19 each of the tasks so the contract is basically dealing
20 with financial assurances and then looking at landfills in
21 terms of risk and trying to set up what the cost would be
22 if something goes wrong in the landfill.

23 In doing that, we said prepare a work plan for
24 tasks two, three, and four to show how you will complete
25 it within a short amount of time that we would review it

1 before you begin work. We do the same thing with the task
2 five, which is another work plan for doing the landfill
3 work. And we also have built in -- so we're trying to
4 build in -- because even if you have the best contractor,
5 they may not know what you really want or trying to
6 deliver what you want. So we put in a lot of checks and
7 balances all the way through the Scope of Work.

8 And the other thing is that every deliverable is
9 sent to the team. We will be looking at what comes out.
10 And then before it's finalized, it would go back with
11 recommendations from staff if they're not focusing on the
12 right areas. So we're trying to really keep on top of
13 whoever the contractor is to make sure it meets the needs
14 of what the Board is looking for.

15 COMMITTEE MEMBER DANZINGER: I mean, I appreciate
16 the stuff, Holly, that you can send over and having the
17 contractor there. And just want to get to a comfort level
18 on this and have some of the concerns alleviated and just
19 have a higher degree of confidence that primarily what we
20 are looking at is primarily what's being served and that
21 we'll get it done right, and hopefully get it done on
22 time.

23 CHAIRPERSON MULÉ: So what we will do is move
24 this to the full Board with -- no action on the Committee.
25 We're moving it to the full Board. Okay. Good. Thank

1 you.

2 Our next item is Committee item G.

3 PROGRAM DIRECTOR LEVENSON: Thank you, Madam
4 Chair. This item is Consideration of New Projects for the
5 Solid Waste Disposal and Codisposal Site Cleanup Program.
6 Scott Walker is going to give that presentation.

7 (Thereupon an overhead presentation was
8 presented as follows.)

9 BRANCH MANAGER WALKER: Thank you. Scott Walker,
10 Permitting and Enforcement Division. This item presents
11 one new Board-managed cleanup project for consideration
12 pursuant to the Solid Waste Cleanup program.

13 Next slide, please.

14 --o0o--

15 BRANCH MANAGER WALKER: In the interest of time,
16 I'll just summarize real briefly that the proposed Lawson
17 dump site is being requested for us to consider by the
18 Riverside County Fire Department and agencies and tribe
19 within the Torres Martinez collaborative, which is a very
20 unique federal, State, local, and tribe partnership to
21 marshal available resources to stop illegal dumping on
22 Torres Martinez tribal lands in Riverside County. It's a
23 patchwork of lands in that area. And so it interrelates
24 very strongly with the whole regional problem. And this
25 is probably I would call a ground zero in the war on

1 illegal dumping in the state is in this area, and this
2 effort is instrumental in addressing the problem.

3 The collaborative started about a year ago, and
4 we've made substantial progress. And the illegal dumping
5 problem is beyond just the site cleanup that we're
6 considering today, but it has all the necessary components
7 here related to these cleanup projects to prevent the
8 reoccurrence.

9 Next slide.

10 --o0o--

11 BRANCH MANAGER WALKER: The Board's role in this
12 collaborative is primarily through the Cleanup Program,
13 Solid Waste Cleanup Program. And besides technical
14 assistance on the more complicated and largest sites
15 within this area, illegal sites within this area, the
16 Board is requested to consider Board-managed cleanup
17 projects.

18 We are heavily active right now, lots going on.
19 We are well along. And Board approved the AuClair site
20 last month. Really making good progress. The contractor,
21 Recon, is doing a great job getting a lot of cooperation.

22 The Lawson dump site is the last large
23 complicated site identified on the reservation. And this
24 project today would consider removal of the imminent
25 threat at that site.

1 Next slide.

2 --o0o--

3 BRANCH MANAGER WALKER: To summarize, the Lawson
4 dump site, it's on allotment land within the reservation.
5 Again, allotment land is owned by tribal members which may
6 have leases or other arrangements with parties outside.
7 It's not within the jurisdiction of the tribal government.
8 It's subject to the BIA as the trustee and oversight of
9 leases and permits. In addition, subject to federal laws
10 that apply to the activities.

11 It's adjacent to a very heavily inhabited trailer
12 park. And the surrounding community is a lot of sensitive
13 use, schools that have been impacted, and residential
14 development in this area. It's the biggest one I've seen
15 in quite a while. One million cubic yard uncontrolled
16 open dump, and it's operated commonly pretty much off and
17 on by open burning from 1992 until it was finally shut
18 down this past August.

19 Again, the U.S. District Court, there's been a
20 struggle to stop this operation for quite some time, and
21 U.S. District Court was finally successful in August of
22 '06 to shut the facility down and have the operator vacate
23 the property. Most recently, financial penalties were
24 issued, although the potential collection is certainly
25 unlikely given bankruptcy has been declared, although it

1 sends a very powerful message to other potential
2 operators.

3 Since August, the Bureau of Indian Affairs, BIA,
4 control access and security.

5 --o0o--

6 BRANCH MANAGER WALKER: This is just an overview
7 of it. You can see the site, and then the trailer park,
8 Duroville, 4,000 residences right next to the site.

9 Next slide.

10 --o0o--

11 BRANCH MANAGER WALKER: The Lawson dump site,
12 this is a very problematic site with respect to landfill
13 fires, both surface and subterranean fires. Persistent
14 problem both before and after the site shut down.

15 In our technical assistance mode, the Board
16 estimated there was about 35,000 cubic yards of
17 combustible landscaping debris stockpiled on the site.
18 About half has burned since. Some pretty egregious
19 catastrophic fires have occurred.

20 The remaining combustible debris constitutes an
21 imminent threat to public health and safety and the
22 environment. There's consensus with that amongst the
23 agencies. We met with the county fire department and the
24 agencies, U.S. EPA, at the site late February. Todd
25 Thalhamer came with us. He's an expert on landfill fires

1 to establish a consensus on course of action.

2 Essentially, there's three aspects to the site
3 cleanup. The most important is the removal of the
4 mitigation of the combustible debris which constitutes an
5 imminent threat. The second is intermediate term, and
6 that is to investigate and figure out what, if anything,
7 needs to be done and implement that for the subterranean
8 fire, which is probably still present. And then the third
9 is related to the long-term capping and closure issues
10 related to the site. Whether or not the Board -- we will
11 continue to play a technical assistance mode, but this
12 item just considers the imminent threat.

13 The focus has clearly been on the BIA to
14 implement this. However, we were informed late March that
15 the federal contracting process was not adequate to
16 achieve the timely action. And there was a request for
17 Board-managed cleanup and \$100,000 which BIA had
18 allocated. BIA has committed to reimburse the Board
19 should the Board approve and go forward with the cleanup
20 project here.

21 --o0o--

22 BRANCH MANAGER WALKER: This is a pretty dramatic
23 photo of the more recent fire activity. It's been heavily
24 on the news. And the smoke -- and not just the smoke from
25 this site, but the toxicity related to certain added

1 treated wood waste and things that are common in these
2 uncontrolled dumps is a major problem.

3 --o0o--

4 BRANCH MANAGER WALKER: This is just a real quick
5 look. Even with the surface fire, there's still
6 subterranean fire. And the county fire department under
7 contract with BIA has been -- after these fires has tried
8 to trace the subterranean fire to dig it out and put the
9 fire out. And it shows some of the activity.

10 --o0o--

11 BRANCH MANAGER WALKER: This is an interesting
12 slide. You can see the middle, top middle the smoking
13 coming up with from the subterranean part. There's
14 combustible material that's still engulfed there.

15 At the top is some combustible material. The
16 problem when you get a combustible fire, major fire, at
17 the surface is it transfers to the subsurface, and there
18 may be some transfer back if there is combustible material
19 on the surface. When we went out there, we didn't see
20 evidence of actual smoking. But we saw some cave-ins and
21 some other indications that there may still be those
22 conditions.

23 Next slide.

24 --o0o--

25 BRANCH MANAGER WALKER: This is how the surface

1 debris looks. It's fairly consistent landscaping material
2 down here. You have quite a bit of pollen material
3 related to the country clubs and the climate with palm
4 growth down there.

5 --o0o--

6 BRANCH MANAGER WALKER: This is a closer view of
7 the majority of the site of the material that's left on
8 the site.

9 --o0o--

10 BRANCH MANAGER WALKER: The proposed remediation
11 project. Essentially, the consensus on the course of
12 action in terms of the imminent threat is essentially to
13 grind the material and then spread it and incorporate it
14 on site in a thin lift. And should this project be
15 approved, this would take probably about three to four
16 weeks. And it would be mobilized, you know, if the Board
17 approved it right after the Board approval. So we would
18 be prepared to go out to the site.

19 Again, the funding mechanism, it would be Board
20 managed. The cost estimate is \$200,000. We have
21 incorporated substantial contingency and enough money to
22 fully grind and spread all of the material. The funding
23 source would be the current Recon contract. Orders would
24 be issued. And cost recovery would be applicable and
25 would be referred to the Attorney General's Office for

1 anything we spend beyond which we cover from the BIA.

2 --o0o--

3 BRANCH MANAGER WALKER: We're prepared to go into
4 the trust fund and contract status. But to let the Board
5 know, the trust fund balance which is available for new
6 contracts, grants, and loans is still in good shape. We
7 have over \$5 million available. And we anticipate per the
8 current Governor's budget another 4.7 million net in
9 transfer next year. We do have a pretty good chunk of
10 grants coming in for June. But the fund is -- essentially
11 the deadline is the 15th of April. But the fund is more
12 than enough to adequate cover those applications should
13 they be approvable.

14 Next slide.

15 --o0o--

16 CHAIRPERSON MULÉ: And again, contracts, although
17 the current Recon contract we will have no more money
18 available in the contract, we certainly have enough to
19 complete the projects that we currently have approved,
20 that the Board has approved. That contract is scheduled
21 for an augmentation or an allocation of \$1.75 million on
22 July 1st. And then we have another contract that still
23 has a substantial funds available for new Board-managed
24 projects, should it be necessary.

25 --o0o--

1 CHAIRPERSON MULÉ: So in conclusion, staff
2 recommends the Board approve the proposed Board-managed
3 cleanup project for the Lawson dump site and adopt
4 Resolution 2007-91. And we'd be happy to answer any
5 questions.

6 CHAIRPERSON MULÉ: Thank you, Scott. Appreciate
7 your presentation.

8 We do have two speakers. First is Ray Paiz.
9 Good afternoon.

10 MR. PAIZ: Good afternoon, Madam Chair, Committee
11 members. Ray Paiz, Battalion Chief for the Riverside
12 County Fire Department Calfire from the community down
13 there, Mecca, Thermal, Oasis, North Shore, and Coachella.

14 I'm the Battalion Chief primarily responsible for
15 that area there and have been managing the fires for the
16 past two years there particularly. However, I responded
17 to the fires there in that area since the beginning of my
18 career in the fire service and essentially since the dump
19 began.

20 That particular dump right there has been around,
21 as it's stated up there, since 1992. And it's created a
22 considerable amount of misery for the communities down
23 there. It was completely illegal. It was never
24 permitted. And there have been considerable efforts to
25 close the dump over the course of time.

1 We began a concerted effort approximately
2 two years ago to assist the U.S. Attorney's Office and the
3 BIA and the EPA to close that site. We were successful
4 last August. Consequently, the operators abandoned the
5 site and we feel were instrumental in some of the causes
6 of the fires. There's an ongoing investigation that
7 continues today to determine the actual causes and the
8 potential people involved.

9 What we're faced with right now is the potential
10 for those fires to re-ignite as a result of the
11 subterranean fires that you saw as well as a minimum
12 amount of security is on site, about twelve hours a day,
13 nighttime only. And that causes a lot of concern for us.

14 We are continuing to respond out there. We do
15 maintain a water system in place in preparation for any
16 further suppression actions. I do want to make note that
17 first and foremost, thank you to the Board for the work
18 you've already done in that region there and to staff for
19 this really comprehensive report in support of Resolution
20 2007-91. We're in support of that, because of the fact it
21 will help begin to nail the lid on the coffin of this
22 issue here. This issue has been very dramatic. It's been
23 highly publicized, and it's because of the effect it's had
24 on the community itself.

25 Your approval of this in its entirety will

1 probably bring about the greatest relief to those
2 communities down there they have experienced in years.
3 There will probably be a very large outcry of support for
4 what you have done as a result, because I'll make sure
5 it's publicized when I return.

6 I'm a native from that area there. I grew up
7 within three miles of that site and very familiar with
8 what it looked like before. It's a travesty to allow it
9 to continue, and that's why I'm so heavily involved.

10 I stand here speaking on behalf of the members of
11 the community, the Riverside County Fire Department, and
12 at the authority of the Riverside County Board of
13 Supervisors. Again, we ask for your support for this.

14 I do want to end with the fact that we've already
15 injured nine firefighters suppressing fires on this site.
16 It would be wrong to allow it to continue. This will
17 allow it to end. And I appreciate your support.

18 CHAIRPERSON MULÉ: Thank you very much.

19 Our next speaker Clancy Tenley. Good afternoon.

20 MR. TENLEY: Good afternoon. Thank you, Board
21 Member Mulé, other members of the Board. My name is
22 Clancy Tenley. I'm EPA Region 9's Associate Director for
23 Tribal Programs. It's a pleasure to be here again today
24 to testify in favor of a Board item for a project at the
25 Torres Martinez Reservation.

1 I'd like to start by thanking the Board for the
2 terrific work that you have done on the reservation. And
3 I'd like to especially thank your staff, Scott Walker and
4 Wes Mindermann, for the many hours of work they've put
5 into this and their impressive contributions and
6 accomplishments to cleaning up and preventing dumping on
7 the Torres Martinez Reservation. We were at the Torres
8 Martinez Reservation March 20th for a public event and
9 public progress report. And we appreciated the
10 presentation by Scott Walker that told of your
11 accomplishments at the Ibanez site.

12 We continue to see very strong interest by the
13 public, including elected officials and the press. And we
14 believe this overall Torres Martinez Solid Waste
15 collaborative is making a big impact in Riverside County.

16 I'd like to invite the Board to come to our next
17 public progress report. That will be November 8th where
18 we will celebrate your accomplishments over the summer.

19 I've also provided to you our most recent status
20 report. I won't go into the overall accomplishments of
21 the collaborative at this time since it's in the status
22 report. But I would like to provide you a very brief
23 summary of EPA's involvement in the site that's under
24 consideration today, the Lawson dump.

25 In 2003, EPA determined that the site posed an

1 imminent substantial endangerment to human health. And we
2 issued an order under RCRA Section 7003. It's a rarely
3 used part of RCRA. Soon after that, we, together with the
4 Bureau of Indian Affairs, started a legal action against
5 the owner of the dump to stop the dump. And it took three
6 years for the court to come around to close the dump, but
7 they did in August.

8 Now that the facility is closed, the most
9 immediate threat is the green waste that's piled on top of
10 the site. In February, we met with your staff and your
11 landfill fire experts with Chief Paiz, with the Bureau of
12 Indian Affairs, and other agencies and reached a solid
13 consensus this is the most important action that should
14 take place at the site. And it should take place as soon
15 as possible.

16 As you know, BIA has difficulties with their
17 contracting mechanisms and has a limit of the \$100,000
18 they have available to them in the short term to deal with
19 the site. So your involvement at this site is widely seen
20 by all involved as the most effective and expedient way to
21 address the immediate fire risks at the site. Once this
22 immediate threat has been addressed, EPA will continue to
23 work closely with the other involved agencies to determine
24 what other actions are needed over the summer and then
25 over the long term.

1 Our EPA Waste Division has spent about \$100,000
2 on the site so far, just to give you a sense of our
3 involvement. That's been since 2003 with the legal
4 action. And we will continue to devote staff and
5 financial resources to determine both the interim and
6 long-term actions needed at the site.

7 In March 2007, the court did order that the
8 operator reimburse the United States for up to \$42
9 million. This is great, because it sends a strong signal
10 that dumping on Indian lands is not allowed. But,
11 unfortunately, as the court concedes, it's not clear the
12 defendants have the ability to pay the cost of clean up at
13 the site. And they declared bankruptcy the day before the
14 hearing.

15 We are currently providing technical assistance
16 to the Bureau of Indian Affairs, who has the lead for the
17 site. And we are assisting them in evaluating their legal
18 options for collecting the funds necessary to cleanup the
19 site, including looking at identifying and taking action
20 against those that generated the waste that was disposed
21 of at the landfill.

22 I'd like to again thank the Board for your
23 consideration of this item and for your partnership on the
24 Torres Martinez collaborative. And I'd be happy to answer
25 any questions you may have.

1 CHAIRPERSON MULÉ: Thank you.

2 MR. PAIZ: If I may add one more issue here. The
3 Riverside County Fire Department and the County of
4 Riverside itself has already invested about \$2 million in
5 suppression costs on the site itself. And the ticker
6 continues. We continue to expend funds there.

7 CHAIRPERSON MULÉ: I think it would be
8 interesting for all of us to add up all the costs related
9 to cleaning up these sites.

10 MR. PAIZ: The advantage to us here in approving
11 this site is going to be almost an immediate elimination
12 of the need to suppress. Mitigation is far better than
13 suppression in this case here. But I agree. We've
14 tabulated a \$2 million cost.

15 CHAIRPERSON MULÉ: Thank you.

16 Any questions? Board Member Danzinger.

17 COMMITTEE MEMBER DANZINGER: I'm pleased to hear
18 that this -- if I heard correctly -- is the last major
19 site on the Torres Martinez and this site in particular.
20 Every once in a while I think you look out and you see
21 something happening in the world and all you can think of
22 is it's 2007 and that's still happening. I think a
23 one-million cubic yard open burning dump probably belongs
24 in that category of things, shocking, shocking. And I
25 can't believe it took that long to get it shut down, too.

1 You can get something shut down because it poses an
2 imminent threat. This was an existing threat. This was
3 spewing the stuff out as we speak. So I'm very happy to
4 support this. Thank you.

5 CHAIRPERSON MULÉ: Okay. Any other questions?

6 With that, do I have a motion?

7 COMMITTEE MEMBER DANZINGER: Move Resolution
8 2007-91.

9 CHAIRPERSON MULÉ: Second.

10 Donnell, would you please call the roll?

11 EXECUTIVE ASSISTANT DUCLO: Member Danzinger?

12 COMMITTEE MEMBER DANZINGER: Aye.

13 EXECUTIVE ASSISTANT DUCLO: Chair Mulé?

14 CHAIRPERSON MULÉ: Aye.

15 That will go on fiscal consent as well. Thank
16 you all for being here.

17 Our next item is Committee Item H.

18 PROGRAM DIRECTOR LEVENSON: Thank you, Madam
19 Chair. I want to thank the Board for its continuing
20 support of the cleanup efforts down in Torres Martinez.
21 It's been a huge problem in that whole southern California
22 area.

23 This item brings up a topic that we all like to
24 make jokes about but is really a very serious topic and
25 has to do with -- stems from some of the heat mortalities

1 we saw last year in the central valley for cattle. This
2 is Consideration of Adoption of Emergency Regulations and
3 Request for Rulemaking Direction to Formally Notice the
4 45-Day Comment Period for Amendments to Existing
5 Regulations Regarding Composting of Unprocessed Mammalian
6 Tissue.

7 And Bob Homes is going to go ahead and make that
8 presentation. We've been working very diligently, Bob and
9 others, with the Department of Food and Agriculture on
10 this issue.

11 (Thereupon an overhead presentation was
12 presented as follows.)

13 MR. HOLMES: Good afternoon, Madam Chair and
14 members.

15 I'd like to start just with pointing out some
16 procedural issues here. We're asking you to do two things
17 here. One is to adopt the proposed regulations that we
18 have for you in the attachment as emergency regulations,
19 which of course will need a motion from the Committee to
20 move that to the full Board. We also at the same time
21 because of some recent changes in the Administrative
22 Procedures Act that shorten the amount of time that
23 emergency regulations are allowed, we wanted to jump right
24 into the permanent rulemaking. So we're asking the
25 Committee's direction to direct staff to start the

1 permanent rulemaking.

2 Also, with respect to the changes itself, we're
3 asking -- there are two topic areas that we'll be
4 covering. One is that one deals with the research of
5 mammalian tissue to collect data on pathogen reduction.
6 The other is to correct some questions that we found
7 during last summer's heat emergency with respect to how
8 composting can be used in an emergency situation.

9 So as Howard pointed out, we've been working on
10 this issue for some time with our partners at CDFA and
11 others. We started planning on this back around the year
12 2000 when there was foot and mouth disease outbreak in
13 Great Britain, and then the terrorist activities in 2001
14 raised the question about threats to terrorism to animal
15 community.

16 In 2002, our friends at CDFA were pulled off of
17 planning efforts in order to deal with the emergency right
18 in our backyard, and that's the exotic New Castle disease
19 outbreak in southern California. About three million
20 birds were depopulated, and those birds went to landfill
21 in that situation. But that may not be an appropriate
22 alternative or appropriate disposal option in all cases,
23 which is why we are before you and asking for these
24 changes to the composting regulations.

25 --o0o--

1 MR. HOLMES: The reason we are before you is
2 because our current composting regulations prohibit the
3 composting of mammalian tissue. Title 14, Section 17855.2
4 spells out that prohibition. That was put in place in the
5 mid '90s when there was concern about bovine spongiform
6 encephalopathy, also known as Mad Cow Disease. It was put
7 there for good reason.

8 --o0o--

9 MR. HOLMES: However, in discussions with our
10 counterparts at CDFA, it may not currently stand as the
11 most outstanding issue. There is no Mad Cow Disease in
12 California. Therefore, it may not be appropriate to have
13 this prohibition stand and currently stand in the
14 regulation. Also what we are trying to address is changes
15 some the distribution of ag production and the rendering
16 service capacity in the state.

17 As you know, there's a number of animals,
18 particularly cattle, in the central valley. And that
19 particular area does have a certain rendering capacity.
20 But as we saw last summer that there is a very fine line,
21 and it only took, you know, a number of additional deaths
22 beyond those that they normally handle to upset that whole
23 system. In addition, there are areas in the state,
24 largely the north coast and the Imperial County area, that
25 are underserved by rendering capacity, that being that

1 there are no facilities located there.

2 We have also been doing some research, staff at
3 the Board as well as CDFA. And I'll point out to you
4 later we've been working with U.C. extension services,
5 have been researching what other states have been doing.
6 There are a number of other states that are already doing
7 this, are doing research and something that we can build
8 upon.

9 So that brings us to the changes to two sections
10 within our current composting regulations related to this
11 research. The prohibition is in Section 17855.2, as I
12 pointed out. We would like to remove that prohibition for
13 one exception. And that exception is to conduct research
14 on farm research, meaning the animals would come on, farm,
15 and the product developed after composting is also used on
16 farms. So nothing would be leaving the site.

17 --o0o--

18 MR. HOLMES: And then we recognize the fact that
19 this composting has its additional threats to public
20 health and safety. So in Section 17862(e), we are adding
21 some additional requirements upon those wishing to do that
22 research, which is additional reporting requirements,
23 existing standards have a research composting operation
24 reporting after a two-year period. We're shortening that
25 to six months. So six months they're reporting to the EA

1 on the accomplishments and the status of the research.
2 Also we are requiring that the operation have a security
3 plan. And that is for the protection of public health as
4 well as protection of animal health.

5 --o0o--

6 MR. HOLMES: The second topic area that the
7 regulations cover, as I mentioned, is to address the
8 concern that we found in last summer's heat emergencies.
9 And that's related to the authority provided -- or the
10 difference between the authority provided in a
11 State-declared emergency versus a locally declared
12 emergency. In a State-declared emergency, the Governor
13 has broad powers to suspend or revoke any State law
14 necessary to alleviate emergency or to respond to the
15 emergency in a recovery phase. That broad power is not
16 afforded to the same extent to the locals.

17 So what we propose to do here is to make
18 additional changes to our emergency waiver standards.
19 Under existing law, existing regulations, a local
20 jurisdiction can establish a temporary transfer station
21 for the purposes of handling emergency-related debris,
22 such as in a flood or fire. What we're doing here is
23 adding to that list the ability for the EA to waive a
24 locally-approved composting facility. So that composting
25 could be used in an emergency situation.

1 I'd like to also point out that those efforts are
2 being undertaken by the Board, this is us doing our share
3 of the work. Legislation last year made some changes to
4 the Food and Ag code that allows the State Veterinarian to
5 approve research projects for alternative methods of
6 animal disposal. That's necessary because the Food and Ag
7 Code specifies only certain end uses that an animal can be
8 transported to and did not include the research. So this
9 cleaned up their statutes to allow this activity to take
10 place.

11 As Howard mentioned, we've been working very
12 closely with CDFA. In the audience today, should you have
13 questions for them, are Dr. Annette Whiteford. She's
14 Director of the Animal Health and Food Safety Services
15 Division at CDAA; Dr. Dennis Wilson who is the Program
16 Manager for Emergency Preparedness and Support Unit as
17 CDA. We also have water quality representation here as
18 well, Mr. Joe Mello. You know, he's a senior engineer and
19 biologist here in the building with the State Water
20 Resources Control Board, Division of Water Quality. And
21 also Mr. Lonnie Wass who's a Supervising Water Resources
22 Engineer with the Central Valley Regional Water Quality
23 Control Board in the Fresno area.

24 So that concludes my presentation. Staff
25 recommendation is to adopt the emergency regulations and

1 do that by a Resolution.

2 CHAIRPERSON MULÉ: I believe the Resolution, if
3 we adopt it, will include both actions.

4 Great. Thank you. Questions?

5 BOARD MEMBER CHESBRO: Resisting all temptation
6 for inappropriate humor, I'll save that for later.

7 I did want to know as background what the status
8 of -- what the status of the law and regulation is with
9 regards to other animals. I remember some years ago -- in
10 fact, it was one of my inappropriate humor. But I had it
11 framed and on my wall when I was at the Waste Board before
12 when they had the horrible chicken die-off in the south
13 and they issued a poster of how to compost chickens. It
14 was kind of strange, and we actually framed it and hung it
15 on the wall.

16 But anyway, there are obviously other animals who
17 can expire in similar circumstances. And was this
18 prohibition specific to cows because of Mad Cow Disease,
19 or other animals? Are there already existing provisions
20 that would allow similar things to be done with other
21 types of animals?

22 MR. HOLMES: The Waste Board's composting
23 regulations only prohibit the composting of mammalian
24 tissue. That was put in place because of Mad Cow Disease.

25 BOARD MEMBER CHESBRO: There are no other

1 restrictions?

2 MR. HOLMES: As far as our regulation's
3 concerned, there's no restriction on other animals.

4 BOARD MEMBER CHESBRO: Thank you.

5 CHAIRPERSON MULÉ: Okay. Any other questions?

6 PROGRAM DIRECTOR LEVENSON: Madam Chair, I want
7 to reiterate what Bob mentioned that this is part of a
8 broader effort. Certainly, the decline of the rendering
9 plants in general is a big issue for the Department of
10 Food and Agriculture, because that's the preferred method.
11 But we've been working cooperatively to make sure we have
12 additional management methods that pass regulatory muster.
13 So that's where we fit in on this.

14 CHAIRPERSON MULÉ: Right. Any other questions?

15 COMMITTEE MEMBER DANZINGER: No.

16 CHAIRPERSON MULÉ: Do I have a motion?

17 COMMITTEE MEMBER DANZINGER: Without giving any
18 thought to the fact I'll be eating lunch shortly, I'll
19 move Resolution 2007-88.

20 CHAIRPERSON MULÉ: Second.

21 Donnell, please call the roll.

22 EXECUTIVE ASSISTANT DUCLO: Member Danzinger?

23 COMMITTEE MEMBER DANZINGER: Aye.

24 EXECUTIVE ASSISTANT DUCLO: Chair Mulé?

25 CHAIRPERSON MULÉ: Aye.

1 We'll put that on consent. Thank you, Bob.

2 Appreciate it.

3 And our final item of the day is Committee Item
4 I.

5 PROGRAM DIRECTOR LEVENSON: Thank you, Madam
6 Chair. As a biologist by training, mammalian composting
7 doesn't bother me.

8 This last item is Consideration of Adoption of
9 the Proposed Regulations Modifying Existing Active
10 Disposal Site Gas Monitoring and Control Regulations.
11 John Bell is going to make this presentation with Mike
12 Wochnick's support.

13 MR. BELL: Good afternoon, Madam Chair and
14 members.

15 By way of a brief history on this item, we've
16 long wanted this as Board staff and various LEAs for many
17 years, have wanted this for additional clarity and
18 guidance. Discussion at the Board Committee level first
19 took place in September 2003 in conjunction with the
20 development of the long-term gas violation standards. The
21 issue was later raised in the GeoSyntec landfill
22 compliance study. And so at the September 2004 Committee
23 meeting, staff was directed to implement just the
24 recommendation to apply closed site disposal regulations
25 for gas to active sites. In September 2005, Board staff

1 held an informal public hearing on these draft
2 regulations. And in December of that year, the Committee
3 meeting directed staff to do the 45-day comment period.

4 That started on September 15th and ended on
5 October 30th of 2006. The required formal public hearing
6 was held directly after the P&E Committee meeting on
7 December 4th, 2006. And then at the February 2007 P&E
8 Committee meeting, staff was directed to notice the
9 regulations for an additional 15-day comment period, which
10 started on February 22nd and ended last month on March
11 9th.

12 The draft regulations before you today contain
13 language that applies closed site standards to active
14 sites for landfill gas. The active gas standard 20919.5
15 no longer exists. It's been incorporated into the other
16 standards. The vast majority of the changes in Attachment
17 1 involve minor language made under the review of our
18 legal staff to enhance consistency and clarity and yet not
19 change the law.

20 The vast majority of comments we received over
21 the development of these regulations have essentially
22 pertained to the proposed cleanup language and not to the
23 primary change being proposed. None of the comments
24 received during the 15-day comment period, which ended on
25 March 9th, were related to the regulation changes open for

1 review. All iterations of previous comments have already
2 been raised and decided upon at past Board Committee
3 meetings in February 2007 and December 2005. However, I
4 will again go over the more significant of these
5 previously addressed comments.

6 First, there have been comments related to the
7 time for sites to come into compliance with these new
8 regulations. Under current standards, sites which have
9 received their final shipment of waste should already be
10 in compliance. Hence, the statement, "disposal sites
11 which have received their final shipment of waste shall
12 comply with these regulations immediately." Also on the
13 same issue, comments have been received that more than one
14 year should be allowed for compliance for active sites.
15 Staff believes one year will be adequate in most if not
16 all cases.

17 For circumstances beyond the control of the
18 operator, the LEA has additional discretionary authority
19 to issue an enforcement order for more time.

20 Comments were received related to the use of bar
21 whole punches as an adequate substitute for landfill gas
22 monitoring wells and probes to the depth of the waste.
23 Bar whole punches are at best a screening tool. They only
24 allow gas monitoring to a depth to two to three feet if
25 the soil does not collapse and refill much of the small

1 whole is produced. Because of the depth of waste that is
2 much deeper than a couple of feet and because gas levels
3 tend to increase with depth and because substantial
4 monitoring points are needed, permanent multi-depth
5 monitoring wells are the standard in the industry.

6 Comments have been made the Board should not have
7 concurrence authority in improving landfill gas monitoring
8 and control system designs. Board concurrence was
9 retained because Board concurrence is needed for
10 closure/postclosure plans, review, and approval process
11 and for the solid waste facility permit approval process.

12 So we have added a time line, however, under
13 which the Board could act in other circumstances.
14 Comments have been received that the regulations should
15 allow waivers from landfill gas monitoring when no threat
16 to public health or safety exists. That is, no adjacent
17 structures. Staff agrees with U.S. EPA that facilities
18 which are remote today may be surrounded by extensive
19 development in the future, especially after completion of
20 disposal operations.

21 Comments have been received that the depth of the
22 monitoring well probes do not have to be to the depth of
23 the waste if the monitoring point is beyond a thousand
24 feet of the waste. There have been cases of landfill gas
25 migrating more than a thousand feet from the landfill

1 footprint. In one case, it was documented a half a mile.
2 The wording has been retained for these reasons and
3 because regulations already allow the LEA to approve
4 alternatives on a case by case basis.

5 There have been comments received on changing the
6 definition of the compliance boundary. The definition of
7 the facility boundary is already designed as the permitted
8 boundary in Section 20164. The compliance boundary
9 terminology is consistent with the long-term gas violation
10 regulations. They state, "The facility's compliance
11 boundary for landfill decomposition gas migration should
12 be the permitted facility boundary or other alternative
13 boundaries within the permitted facility boundary approved
14 by the EA."

15 Significant comments that did not involve cleanup
16 language dealt with the issue of trace gases. Comments
17 have been made that the existing standard for trace gases
18 should be deleted. Eliminating this already existing
19 portion of the standards is beyond the scope of this
20 rulemaking, which is limited to modifying active site
21 regulations. Staff also disagrees with this comment in
22 any case.

23 I'd now like to point out that the changes staff
24 has made to the previous draft regulations are in double
25 underline and double strikeout. Some of these changes

1 include adding local building authority to the list of
2 entities that could require gas investigations and
3 response to hazardous nuisance; adding back specific EA
4 approval on several sections; adding a time line for Board
5 review of gas system designs, which is 60 days if there is
6 no closure plan or permit time line; clarifying
7 informational needs for seven-day reporting requirements;
8 clarifying reporting time lines. And we made the
9 informational criteria the same for exemptions and
10 investigations by using the term "sufficient relative
11 information."

12 So in conclusion, staff recommends the adoption
13 of Option 1, finding the regulations exempt from CEQA,
14 approving the proposed regulations for adoption, directing
15 staff to complete the rulemaking process with the Office
16 of Administrative Law, and adopting Resolution 2007-89.

17 That concludes my presentation.

18 CHAIRPERSON MULÉ: Thank you, John.

19 Do we have any questions for John Bell or staff?

20 PROGRAM DIRECTOR LEVENSON: Madam Chair, if I can
21 add one comment. Just to reiterate what John said, many
22 of the comments that he just summarized were heard by the
23 Committee as part of the 45-day period. And we just felt
24 it was important for the record to acknowledge we received
25 those same comments again and explain the rational. But

1 there were virtually no comments on the proposed 15-day
2 language. Thank you.

3 CHAIRPERSON MULÉ: I appreciate that
4 clarification, Howard. Okay.

5 Do I have a motion?

6 COMMITTEE MEMBER DANZINGER: I'll move Resolution
7 2007-89.

8 CHAIRPERSON MULÉ: Second.

9 We'll substitute the previous roll on that.
10 We'll put that on consent.

11 This does conclude our Permitting and Compliance
12 Committee meeting. Bob and Howard, how do you want to
13 handle the next meeting so I can let the public know? Do
14 you want to start right away, or do you want to give
15 everybody a break? The court reporter definitely needs a
16 break. So do you want to start at 1:00?

17 MR. HOLMES: I'm certainly all for giving her a
18 break. It would be my personal preference to take a brief
19 break and then go right into it.

20 CHAIRPERSON MULÉ: Do you want to start at 1:00?

21 MR. HOLMES: One o'clock would be great.

22 CHAIRPERSON MULÉ: This Committee meeting is
23 adjourned, and staff will have the workshop at one
24 o'clock. Thank you.

25 (Thereupon the California Integrated Waste

1 Management Board, Board of Administration
2 Permitting and Enforcement Committee
3 adjourned at 12:46 p.m.)
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1 CERTIFICATE OF REPORTER

2 I, TIFFANY C. KRAFT, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing hearing was reported in shorthand by me,
7 Tiffany C. Kraft, a Certified Shorthand Reporter of the
8 State of California, and thereafter transcribed into
9 typewriting.

10 I further certify that I am not of counsel or
11 attorney for any of the parties to said hearing nor in any
12 way interested in the outcome of said hearing.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 this 20th day of April, 2007.

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